

# The Rambler,

A CATHOLIC JOURNAL AND REVIEW.

---

VOL. XI.

FEBRUARY 1853.

PART LXII.

---

## THE PROTESTANT INQUISITION ;

OR, CATHOLIC INTERESTS BEFORE SELECT COMMITTEES OF THE  
HOUSE OF COMMONS.

WE read in the reign of Charles II., in the time of Titus Oates, when the ancestor of the Earl of Shaftesbury—whose hereditary hatred of Catholicism clings to him like a curse—was employing every means, however wicked or malignant, to keep up the No-Popery fury, one of the chief instruments which he used was the reports of Select Committees. Thus we are told that when the cry of the “plot” was raised, he contrived that the pretended “inquiry” into it should be managed by himself and a committee of the House of Lords ; and it is stated, “the popular delirium had given to his party an ascendancy in the two Houses which they could not otherwise have acquired ; and that he might keep this alive and direct it in accordance with his own views, he cared little to what perjuries he might give occasion or what blood he might cause to be shed.”\* On another occasion, in order to carry his favourite scheme of the Exclusion Bill, he procured a report from a Select Committee, stating to the House some absurd story of an attempt on the part of the Papists to promote the ascendancy of Popery and arbitrary power.† Again, we find his party once inflamed the House by a long report from the Committee on Religion, which had discovered that the laws which gave the estates of “Popish recusants” to the crown were often “evaded by means of secret trusts and conveyances.”

Political parallels are curious and striking, and often instructive ; and few could be more so than the remarkable resemblance between the unscrupulous Select Committees of Shaftesbury, who strove to keep up the excitement about pretended Popish plots, and the equally unscrupulous Committees of the last two years, which sought to sustain the detestable agitation about so-called Papal aggression, and by

\* Dr. Lingard’s History, vol. xiii. ch. v. p. 85.

† Ibid. ch. vi. p. 145.

a curious coincidence endeavoured to lay the basis for more stringent measures against Catholic charitable bequests by stating that the “ law was evaded by means of secret trusts.”

But of the character of these Committees we have clearer and more recent proofs than curious coincidences or historical parallels. They would seem to be essential parts of a regular conspiracy against the Catholic Church in these countries, concocted soon after “Emancipation,” as it is termed, and carried on ever since in a remorseless and unscrupulous spirit by all agencies and every means, in Westminster Hall and in Exeter Hall; by proselytism, by persecution, and by prosecution, but chiefly by Select Committees, whose business it is to provide the raw material of calumny for reverend or right honourable manufacturers to “make up” to order in the form of sermons, speeches, pamphlets, or acts of Parliament against “Popery.” In 1844 there was the first Committee, on “the law of mortmain” nominally, but against the Catholic religion really. The Protestant Bishop of London came forward as a principal witness, his purpose being to blacken as much as possible the character of the Catholic clergy; and this he proceeded to do by means of garbled extracts and malicious insinuations, such as might have brought a blush to the face of a Macghee or a Macguire. “I think,” said this candid and charitable Christian bishop, “that the policy of this country, with respect to restricting the Roman Catholics in matters concerning the propagation of their principles, seems to be defensive. [The prelate is speaking of the infamous penal laws.] The difference between their Church and ours is of so essential a kind, that I am not prepared to consent to any measure which shall increase the facility they now possess of advancing the boundaries of their Church in this country.” Whereupon Mr. Shaw, the Orange Recorder of Dublin, eagerly exclaimed, “Does any possible way to prevent it occur to your lordship?” “Upon this hint,” the right reverend prelate “spoke,” and shewed pretty plainly that it had occurred to him as at least one “possible way of preventing it,” to do all that could be done through the agency of Select Committees to cast obloquy and odium upon the Catholic clergy. Accordingly, he quoted Lord Hardwicke’s language about “watching the last moments of dying persons as insidiously as ever the monks and friars did in the darkest times of Popery and superstition;” and actually dared to say, “in respect to the Roman Catholic clergy there would be great reason to apprehend this influence, because the doctrine of the Roman Catholic Church is this: ‘there are three modes of washing out the stains of sin—alms, prayers, and fastings;’” a garbled extract from a French theologian, Thomassinus,

suppressing the context and concealing the well-understood sense in which the passage is to be construed, namely (in the language of St. Augustine), that these are subsidiary, not primary, means of washing out sin ; and meaning, moreover, by "alms," not legacies of the dying, but gifts of the living. And then, after this, to aid the Protestant prelate in his charitable work, of course one or two Catholics were found to come forward and endorse his statement as to the theory of the Catholic Church by a few practical illustrations. We will give our readers a specimen of one of these ; and *ex uno discere omnes*. We have already had occasion to speak of the celebrated Brindle will case,\* in which a respectable Catholic clergyman was harassed by most expensive proceedings at law and equity on the part of a disappointed relative who was not satisfied with the large and liberal share he had received of the property of a testator, but thirsted for all ; the issue being, that his counsel, after hearing the statement of the other side, publicly and emphatically declared in open court that there had been no foundation for the proceedings ; and the judge, Lord Cranworth, said with equal emphasis, "that if such a will could be set aside, no will would be safe." Yet three years after these proceedings were ended, this Select Mortmain Committee of the House of Commons actually allowed the defeated suitor to come before them and repeat the accusations which his counsel had in open court solemnly declared unfounded ; accusations not only against the priest, but against a prelate so pious and exemplary as the late Dr. Youens ; and accusations so foul as those of falsehood and perjury. It should be borne in mind that these statements before a Select Committee are *unsworn*, so that the state of the case is this : A defeated suitor, smarting under feelings of disappointment, which have been rankling for a period of three years, is allowed to come forward and repeat, unsworn, most serious accusations which he had, by his counsel, distinctly retracted ; to charge with perjury a pious prelate, who had given his evidence under the obligation of an oath ; to make these accusations in secrecy, behind the back of the party accused, without his knowledge, and without his being afforded an opportunity of answering ; and finally, this accusation is then published to the world, and for ten years it has been accessible to all the world. Nor is this all. One would have thought the atrocity of this proceeding could scarcely be surpassed. But it was ;

" — Beneath the lowest depths  
A lower still : "

depths of injustice and tyranny most strangely at variance

\* See *Rambler* for December 1852.

with our vaunted national character for uprightness and honesty. Years rolled on, Dr. Youens died, and for aught we know others of the parties also ; an anti-Catholic excitement arose ; Protestant bigotry received provocation, and thirsted for revenge. How was it to be gratified ? One Bray, the Protestant lawyer who had been engaged in getting up this Brindle will case, and who had instituted those proceedings in law and equity which his own counsel publicly declared had been without foundation, was invited to come before the *second* Mortmain Committee, *ten years* after the suit had closed, and after some of the defendants had died ; and he who had been the attorney of the defeated suitor was allowed, unsworn and in secret, to repeat those accusations which his own counsel had solemnly retracted, and which were directed against a pious prelate whose voice was now silenced in the grave. And this also was published to the world, and has now been for two years sold at so much a sheet, and is being circulated all over the country, under the sanction of the House of Commons, as authoritative and authentic accounts of the wickedness of Catholic clergymen !

High-minded and delicate guardians, truly, of the rights and interests of the people, and of the still higher interests of truth and justice, are these Select Committees of the House of Commons. Our readers will not fail to appreciate them.

We must not, however, anticipate. There are circumstances respecting the appointment and proceedings of this second Mortmain Committee which must not be passed over *sub silentio*. Amidst the excitement of "Papal aggression," one Mr. Headlam moved for a Committee on the Law of Mortmain, and "generally to inquire into testamentary and other dispositions for pious purposes." The terms of the motion had been cunningly framed, and were *not* carefully scanned ; and while the debates on the Titles Bill engrossed public attention, the motion was carried without observation, the Committee comprising only one really Catholic member, who was unable to attend ; Mr. Anstey being, as was well known, an active coadjutor of Messrs. Drummond, Headlam, and Inglis. Almost on the very first day of their meeting the Committee began to shew their *animus*, and to take a course hostile to the Catholic Church ; and some suspicions were excited, which found expression in the House, coupled with complaints as to the unfairness of the constitution of the Committee. To allay this, Headlam solemnly asserted that the Committee was *not to be directed against any particular religious community !* By what peculiar process of casuistry he reconciled it to his conscience to make this assertion, it is not for us to conjecture ; we cannot even imagine : for, from that

time to the close of the proceedings, the whole labours of the Committee were—with one or two exceedingly insignificant exceptions—*entirely* “directed against one particular religious community,” and that community of course the Catholic. Let us give a specimen of the mode of proceeding.

There is a certain Dr. Whately, not unknown to fame, who receives the revenues of the ancient Catholic see of Dublin, and performs certain acts by virtue of his supposed authority as archbishop of that see. This Dr. Whately has a nephew, a certain Mr. Wale, a “good anti-popery man,” according to the comprehensive definition of the Right Hon. William Beresford, Secretary-at-War under the late government of Lord Derby, and author of a certain delicate correspondence, calculated to convey to foreign nations a very high idea of the standard of political morality in this country. Well, Mr. Wale, at the suggestion of uncle Whately, got the Registrar of the see to select such wills “as appeared on the face of them to have any suspicious circumstances,” *i. e.* legacies to priests or for Catholic charities, and so forth—for all this is very “suspicious” to your “good anti-popery man,”—and to give him “copies or extracts” of the same, that he might use and produce before the Committee. Accordingly he obtained a number of such wills and proceeded to make use of them, all to be duly registered and published under the auspices of the House of Commons, as cases illustrating the rapacity of the Popish priesthood. Let it be observed in passing, that as of course the names of the clergymen would be in the wills, and many of them were very well known (such as Dr. Yore, Dr. O’Hanlon, &c.), there could have been no difficulty on the part of Mr. Wale in referring to them, were he so disposed, in order to receive an explanation of any “suspicious circumstances.” This, however, did not at all suit his purpose, which was not to procure but to avoid explanation; not to get at the whole truth, but only just so much as might by itself seem “suspicious.” Mr. Wale therefore—who, we presume, professes to be a Christian and a gentleman—never referred to these clergymen; but comes to London with these “cases” in his pocket, “ready cut and dried, and fit for immediate use” by the members of the Select Committee. It somehow or other happened, however, that there was *one* Protestant on the Committee in whose breast bigotry had *not* destroyed charity, and who was *not* so besotted by hatred of Popery as to have lost his common sense or his ordinary ideas of justice. And it occurred to this gentleman that it was the most natural thing in the world that Catholics should leave money to Catholic priests or for Catholic chari-

ties, just as natural as it was that Protestants should leave money for Protestant clergymen and for Protestant charities; and that in neither case could there be the least impropriety in so doing, provided only that the just and reasonable claims of relatives were not disregarded. It also occurred to him as a somewhat "suspicious circumstance," that all the cases cited by Mr. Wale should be Catholic cases, and that for aught that appeared they might all be cases in which there were no near relatives at all. So he asked Mr. Wale one or two searching questions on these points, which Mr. Wale did not find it easy to answer satisfactorily. "Do you know whether there were any relations of the testatrix living?" "I do not." "You can give no information upon that point?" "None whatever." This was as to the will of one Marcella Ayres, who had left all her money to charitable institutions, except 500*l.* to Dr. Yore, and three legacies of 100*l.* each to other persons. Of course the question as to the propriety of this will depended *entirely* upon whether the testatrix had any relations living, and what relations; and on this point Mr. Wale took good care not to inform himself, as he might easily have done by asking the question of Dr. Yore. Neither did he find it convenient to ask for any explanation as to the date of the will being the day of the lady's death, although he himself said he selected the cases chiefly on account of "suspicious circumstances" such as these. Of course the Committee, according to their usual practice, published this case without affording any opportunity of explanation; and next year it was given in evidence that Marcella Ayres had no relative or friend, and that Dr. Yore had acted as her guardian, and that the arrangement in question had been first made twenty-three years before her death; that at that time a will was made, leaving the whole of her property to Dr. Yore for distribution, according to his absolute discretion, among the different charities; so that the will that was signed on the day of her death, at his suggestion, was a will depriving him of the disposal of the property. Again, as to the case of a Mrs. Halpen, Mr. Wale selected this because of the following "suspicious circumstances." A priest, Dr. O'Hanlon, was executor, and 300*l.* was left to Dr. O'H. in trust for the niece; but (as Mr. W. represented) if she married without the executor's consent, it was to go to himself. This was, of course, a very "suspicious circumstance," and Headlam and Drummond gloated upon it. "If he refused his consent to the marriage," said the chairman eagerly, "the legacy to the lady would have gone to himself?" "It would appear so," said Mr. Wale. We stop to state simply that it did *not* "appear so;" but that

what *did* appear was, that if the young lady chose to marry *under age* without the consent of her guardian, a grey-headed and venerable old priest, then the legacy was to go *not* "to himself," but for charitable purposes. However, of course it did not happen to Mr. Wale to read the will aright; it seemed a capital case of priestly influence; it was seized hold of as such, and *published* as such. Lord Harry Vane, with the same inclination to justice and charity as he had before displayed, again asked the sensible question, "Have you any knowledge of the degree of relationship of the other legatees?" "None whatever." "You made no inquiries with reference to the degree of relationship?" "I did not; I found it *impracticable*." Our readers will appreciate the veracity of this reply, when they recollect that the name of Dr. O'Hanlon is tolerably well known in Dublin; and of course he would have been happy to give the explanation to Mr. Wale which that gentleman took care not to ask for, and which the Committee took care not to give him an opportunity of affording before they published the injurious representation of the case supplied by this precious specimen of "a good anti-popery man." Next year, however, Dr. O'Hanlon, finding that this false representation had been published, came forward to prove that the will had been made behind his back, without his knowledge, by a respectable solicitor, who also appeared and confirmed this statement. The solicitor stated, that "the reason was, that as the niece was an orphan, she might be liable to be duped by some designing person, unless there was some control over her." Although the venerable and pious priest sat before the Committee, with his grey hairs and his quiet look of conscious integrity, as this evidence was being given, Drummond smiled sarcastically at these words, and in a tone of irony the chairman instantly observed to the witness, "You are a member of the Roman Catholic Church?" The reader will sympathise with the generous indignation which flashed from the eyes of Mr. Keogh, as he immediately retorted, "I do not suppose that this would induce you as a professional man to prepare a will without proper instructions?" But bad as this was, worse remains to be told. The chairman is a Chancery counsel, well acquainted with wills, and he had the terms of the will before him, which distinctly stated that the money was to be paid to the niece on her attaining her majority, unless she chose to marry before that time without the consent of her guardian. Yet he tried to entrap the witness into an assent to *his* representation of it, viz. that if he refused his consent to the marriage *at any time*, the money would go to himself; a representation he must have known to be untrue.

A more obvious attempt to perpetrate a cruel and deliberate misrepresentation never came under our notice.

Then there was the case of a Mrs. Keely, who left 300*l.* in various legacies to charities and to different persons, all of whom were laymen, with the exception of Dr. O'Hanlon, to whom 50*l.* were left for masses. One would not have thought that much could be made of this; but there was one "suspicious circumstance,"—Dr. O'Hanlon was the executor. Of course it was intended to be inferred that he had influenced the will, and the case was forthwith published for the purpose of producing that impression. Next year he came forward and stated that he had known nothing at all of the will being made; he had been asked to be executor, but had declined, and had made no suggestion whatever to the testatrix, except that he had told her to have recourse to regular professional assistance in drawing up her will.

One case more, and we have done: the case of a Mrs. Smith, who left a few small legacies, including 50*l.* to her executor, the Rev. J. Kavanagh, and the residue to the same individual for charitable purposes. This was a capital case; very "suspicious circumstances" indeed: a priest, executor and residuary legatee. True, it was in trust for charitable purposes; but that made no difference; it was clearly a case of priestly influence, and as such it was published, without offering the priest any opportunity of previously explaining it. Next year it came out that the testatrix had no relatives, that she had died suddenly of the cholera, and that the only person present capable of making a will was this Rev. Mr. Kavanagh. Moreover, he stated that he had declined to make the will or to act as executor, until he found there was no one else to be got who could do so. What on earth was the poor priest to do? What was the poor woman to do? Was she to let the property go to the Crown; or ought she to have called in the Protestant parson, and entreat him to receive the money for Protestant purposes? Probably he would not have come, seeing that it was a case of the cholera. This story incidentally illustrates the devotion to their duty which distinguishes the Catholic priesthood, ever present, with dauntless courage, at the death-beds of the victims even of the most frightful disorders; and their reward is, after having shewn the piety and the charity and constancy of martyrs, to be made the marks of malignant calumny. So much, then, for the cases of Mr. Wale, of which we will only add, that when he had finished, Lord H. Vane asked two sensible questions, supplying in themselves the best comment. "The wills to which you have referred are entirely of Roman Catholics; were there any wills

of Protestants among the wills that were produced to you?" The witness made an evasive answer, the upshot of which was, that he had only asked for wills on *the face* of which appeared any "unusual circumstances :" of which circumstances we have seen he took care to ask no explanation ; and Lord H. Vane thereupon observed, with some emphasis, "You did not make any further inquiry into those cases beyond the particulars which you have given to the Committee ?" "No, I did not." This will do for Mr. Wale.

But his were not the worst specimens of anti-papery evidence. His were only cases in which injustice was done by the suppression of part of the truth. There were others in which what was positively false was stated. Our readers may perhaps remember that it was stated before this Committee that his Eminence Cardinal Wiseman had "tried to absorb into his hands all the trust property of the district ;" and that "the Rev. Mr. Rolfe had died in consequence of the annoyance and mental anxiety felt at the demand of the surrender of some of the trusts from his hands :" the truth being, that this exemplary priest died of a sudden attack of pleurisy, brought on by getting wet in a boat, while taking an excursion on the water at Monmouth ; and that the Cardinal, so far from having attempted to "absorb trusts," had, in all the transfers of trusts which had taken place, caused them to be transferred into the names of other parties, including the Rev. Mr. Rolfe himself ! This is a striking specimen of the false representations put forward by a Select Committee for the purpose of creating or keeping up a popular prejudice, which it is convenient for political purposes to cherish. When these representations were received and published, the Papal aggression excitement existed, and it was desired to inflame this excitement to the utmost against his Eminence.

We need not repeat what has been already told about the Brindle will case, and the evidence of the Protestant attorney who was employed on that occasion. This was not the only case of the kind, however, in which he was engaged. It appears that he was at another time also making preparations for the pious purpose of instituting a suit in chancery on the part of discontented Catholic relatives, but "the party begged him to stop any further proceedings, for one of the clergy had been at him." We may have our own private opinion as to the way in which the clergy had been "at" him, and may be permitted to believe that it was in the very just and proper way of expostulation as to the folly, and perhaps the wickedness also, of embarking in protracted litigation under the auspices of a Protestant attorney, from feelings of discontent

at the disposition of property which may have been very wisely and justly left to charitable purposes. We can perfectly appreciate the attorney's disappointment, and the indignation it would excite in his mind against the Popish clergy who had thus marred his prospects of a suit in chancery. In another similar case he said he was about to file a bill in chancery, when one of the parties called upon him and said, "My wife says it will disturb my sister's soul: that the priests had told her so." In a tone extremely characteristic the attorney went on thus: "I said, Of course if you really believe that, there is an end of my interference; if it is likely to disturb her soul, I will not be a party to it; but I do not believe a word of it." He added, "He said, 'My wife has not slept for a month, because her confessor had been to see her!'" Bearing in mind that the statements of this disappointed attorney, smarting under a sense of anger at the stoppage of his "inquiries" (as he called his little bills in chancery), were made without the obligation of an oath, and were *ex parte* and secret, and that the parties referred to had no opportunity given them either of denying or explaining; bearing in mind, moreover, that the transactions alluded to had occurred ten years before,—what are we to think of the Committee who received and published them under such circumstances? We see the motives with which it was done, and the purposes which it was intended to answer; but this aggravates rather than excuses the injustice of the proceeding. It was seen that such statements would make capital materials for anti-papal leading articles and platform speeches; they were meant to be so used, and were so used accordingly.

So, again, the plaintiff's attorney, in the case of Carré, whose history was given in our last, was allowed to come before this same Committee, and to repeat, unsworn, and in opposition to sworn evidence, the foul charges which at the time of the trial he had agreed to retract, by taking the affidavits off the file of the court.

Such were the broad features of injustice, in all that concerned Catholics, which characterised the conduct of the Mortmain Committee. We should not be doing justice to our subject, however, if we did not add one or two specimens of the insolent indecency of some of the leading members of the Committee; such as Mr. Drummond, for instance, asking a Catholic gentleman, "Supposing a sum of money is left for saying so many masses, and the average price of a low mass is 5s., is there not a way of saying one high mass, which is worth 20s., so as to make one go as far as four?" And Mr. Headlam, the chairman, asking with a sneer, in the course of the Cardinal's

examination, “Did not the Irish prelates protest against the Catholic Bequests Act, on the ground that it prevented dying sinners, in their last moments, from redeeming the errors of their past lives, by giving an acre of land for religious purposes?” The men who could thus insinuate, in insulting questions, calumnious misrepresentations of the Catholic faith, were of course capable of finding persons to calumniate Catholic practice. Mr. Mahony, therefore (speaking of the endowments at Rome for portioning maidens), after much gross insinuation, proceeded to say, “In Rome this form of charity seems to have been the one principally suggested to dying sinners, sensualists, and persons who had led a disreputable life; and a great means of repairing the evil they had done during their life, in the seduction of young girls, was to endow on their death-beds portions for maidens, to enable them to get honestly married.” The object of this vile misrepresentation was to degrade that most beautiful class of charities into a mere provision, by dying sinners, for the victims of their sensuality; whereas it is notorious that these institutions were not founded by dying sinners, but rather by living saints, and are not for women who had lost their virtue, but for those who have preserved it. This same “witness,” after having declared that the funds of the magnificent Hospital of Santo Spirito were “jobbed,” was asked by Drummond, in a suggestive way and a sarcastic tone, “But Santo Spirito was a great anatomy school, was it not?” Mahony, friend of Conolly, the domestic chaplain to the apostle of the Irvingites, appeared at once to take the hint (perhaps he had previously rehearsed and arranged his evidence with these spiritual advisers), and made this iniquitous answer: “There *is* an anatomy school; and as to facilities for dissection, there is no part of Europe where subjects are more numerous; they are to be had for the asking; the amount of dead bodies exposed on the marble tables for dissection is incredible.” Those who have read or heard of “Maria Monk” will perceive and appreciate the deadly venom of the insinuation attempted to be conveyed in this sentence.

Having collated these few flowers of charity and modesty, purity and truth, from the proceedings of the Mortmain Committees, let us now proceed to select a specimen or two from the proceedings of another Committee, which, with as little or less of colourable pretext, made itself the vehicle for diffusing and supporting the vulgar calumnious outcry against the Catholic clergy in Ireland; we refer to the “Crime and Outrage Committee.” Some parts of the conduct of this Committee surpass in indecency and iniquity the atrocities of the others

of which we have hitherto spoken. In every possible way it was attempted to insinuate that the Catholic clergy were the encouragers and associates of assassins! In the charitable and candid work of imputing to the priests complicity in the sanguinary conspiracies of Ribbonism, Lord Derby's Irish law-officers, Messrs. Whiteside and Napier, strained every nerve; and were very ably supported by the Chief Secretary, Lord Naas. For upwards of an hour these *gentlemen* bullied an excellent priest about an extract which they read from an Irish paper, of which they only gave a single line, running thus,—“the murder of Mr. Mauleverer has been attended with good effects;” suppressing the context, which, it need scarcely be said, modified the sense into something quite different from what would be inferred from the one isolated expression. They strove to entrap the priest into expressing some opinion upon these words which might be tortured into an approval of assassination. Honest and manly conduct this for noble lords and right honourable gentlemen! to strive, by bullying and cunning, to entrap a priest into a constructive approval of assassination upon a garbled extract of which the context was suppressed!

Before this same Committee came a Protestant witness, who stated, by way of implicating the priests in the crimes of Ribbonism, that upwards of 3000*l.* were subscribed for the purpose of apprehending the murderer of Mr. Bateson, but that there was not the name of any Roman Catholic clergyman on that list; but when a sum of money was raised for the defence, the Roman Catholic clergyman both subscribed himself and exhorted his parishioners to do the same. When cross-examined by Mr. Keogh, this witness admitted that all this was *mere hearsay*; and on being challenged to give the name of the clergyman, he shrank from so doing. Mr. Keogh's indignant expostulation will find an echo in every generous breast, and has a general application to all similar evidence: “Do you consider that you are justified, upon the hearsay of individuals, in bringing charges of this flagrant nature against a Catholic clergyman, and then to shelter yourself as you are now doing?” This witness stated it as a “natural inference” from the fact he had thus presumed to state on hearsay, that the Catholic clergy encouraged Ribbonism; and when asked if he had not seen Archbishop Cullen's pastoral, denouncing such societies, he made this mean and shuffling answer, “*I think* I saw a *speech* or document of that nature!” In pursuance of the same purpose, insinuating that the Catholic clergy encouraged crime, Lord Derby's Solicitor-General for Ireland, when a respectable priest had expressed an opinion

that so long as landlords laid on rents which could not be paid, and cruelly dispossessed tenants who could not pay them, the same unhappy system of agrarian outrage would continue, said, in a sarcastic tone, "And no instruction, no teaching, no exhortation, will produce a change for the better?" adding with a sneer, "That is your opinion of illegal societies?" Drummond actually had the effrontery to ask a Catholic clergyman, "Is it true that persons intending to commit crimes go before they commit them and state their intention to a priest, and get absolution for a crime which is to be afterwards committed?" To which, of course, the answer was, "It is quite false; a calumny on the Catholic religion." Drummond continued: "Can it be done according to the doctrine of the Church?" "Impossible!" said the priest. "Neither is it possible (persisted the audacious querist) that they can get an assurance that after they have committed the crime they shall receive absolution?"

These specimens will suffice to shew the spirit in which the Catholic clergy and the Catholic religion are made the objects of calumny and obloquy, and held up to odium in Select Committees, and will enable our readers to appreciate what might be expected from a Maynooth Committee such as we were lately threatened with. But why have we accumulated these instances? Not merely as illustrations of Protestant intolerance, and of the malicious and mendacious misrepresentations by which Protestant prejudice is kept alive and nourished, nor yet for the sake of exposing the iniquitous conduct of particular Select Committees; but to shew that precisely the same policy which was followed by the unscrupulous Shaftesbury at the time of the Titus Oates plot has been pursued by those who were the most forward to excite and to promote the agitation about the Papal aggression. There has been the same foul purpose, pursued by the same foul means, at the distance of nearly two centuries. And this is the first time that the attention of the Catholic community (and those of our Protestant fellow-countrymen who value justice or care for truth) has been directed to the artful and atrocious character of these proceedings, or the proofs they seem to present of a planned and premeditated conspiracy. It is impossible to imagine any ingredient of iniquity or injustice which is not embodied and exemplified in the procedure of these Committees. Curiously enough, though the very men who are the principal promoters of them of course partake of, and probably help to propagate, all the popular Protestant prejudices about the Roman Inquisition, they appear to be wholly unconscious that these tribunals of which we have been speak-

ing unite all that is most odious to an Englishman in his vulgar idea of that maligned institution, without any of its incidental advantages. There is the same secrecy—for practically a Select Committee is secret, except to the few who happen to hear of what is going on, and it can even be made so on the motion of any of its members; there is the same liability for self-crimination, the same system of *ex parte* accusations, the same facilities for *false* accusations; but with these enormous aggravations: that whilst in the Inquisition, if the accused be not actually confronted with the accuser, he is at all events heard, in a Select Committee of the House of Commons it is not so; that whilst in the Inquisition, if the accused have the disadvantage, whatever it be, of secret or *ex parte* accusation, he has, at all events, the advantages of secrecy—that is, if the charge be false, it at least gains no publicity—in a Select Committee of the House of Commons it is not so. They hear *ex parte* accusations against a man, and do not hear him in reply; and this, too, when the charges have been before publicly investigated and pronounced groundless, nay when they have even been publicly retracted; and further, after hearing this secret repetition of refuted and retracted calumny, they actually often publish it to the world before the party accused has had an opportunity of perusing and replying to it. We said “often;” we were incorrect; it is only done in cases where Catholics, especially Catholic priests or prelates, are concerned, or supposed to be concerned. We are aware of no other instances in which it has been done. It is an injustice so flagrant that we doubt if any Committee would venture to attempt it against any but that doomed class the Catholic clergy. They, it is considered, are fair and safe marks for calumny, and are sure never to receive sympathy. And by this means masses of false witness are gradually accumulated, to be afterwards used, as occasion may serve, by itinerant orators and unprincipled writers as from “evidence given before a Committee of the House of Commons,” and which has “never been answered.” We ourselves have heard it so used in a public meeting, and that peculiarly Protestant paper the *Herald* (the organ of Exeter Hall) has so used it. That paper positively quoted the cases got up by the nephew of Archbishop Whately as “unanswered,” altogether omitting any mention of the answers that have been given to those cases *subsequently* to their publication. Surely, if in a civilised country men’s characters ought to be as much protected from outrage as their persons or their property, it is time that the Parliament and people of this country should be appealed

to against a system so fraught with injustice ; and since we have a Catholic party in the House of Commons, we crave leave to commend this subject to their attention, and to ask for their exertions to protect their priesthood from the poisoned shafts of secret calumny, aimed in the darkness of a Committee-chamber.

---

### A CHAPTER IN THE HISTORY OF THE REFORMATION IN IRELAND.

#### *Elizabeth's first Irish Parliament.*

IN our last Number we spoke of the House of Commons in the Irish Parliament of 1560 ; we must now speak of the Lords. There were twenty-three temporal lords in it ; and if they apostatised, it is strange that the Catholic historians of Elizabeth's reign never accuse them of that crime. That a few of them temporised, " played with the two-handed sword," as it was expressed, is admitted and fiercely denounced by Philip O'Sullivan and other Catholic writers ; but the concurring testimony of Catholics and Protestants, from Usher and Ware to Cox and Leland, absolves them from the crime of apostacy. In the very beginning of the Parliament, the temper of the majority of both Lords and Commons was so threatening that the Queen speedily dissolved them ;\* and the subsequent conduct of the Lords proves that they either never assented to the enactments of that Parliament, or that if they did, at least they resisted their enforcement. Nearly one-half of them were lords of the pale, or of its immediate vicinity. These were Gerald Earl of Kildare,† Preston Lord Gormanstoun, Roland Eustace Lord Baltinglass, Richard Nugent Lord Delvin, James Fleming Lord Slane, Christopher Plunket Lord Killeen, Christopher St. Laurence Lord Howth, Patrick Barnwell Lord Trimleston, Christopher Plunket Lord Dunsany, Edmund Butler Lord Dunboyne, and Thomas Plunket Lord Louth. Some of these families, as every Irish reader knows, are still Catholic ; many more were Catholic until the middle of the last century ;‡ all were Catholic for at least

\* Ware's Annals.

† This was the person who recovered the family honours forfeited in the reign of Henry VIII. He was saved from the fate of his uncles and brother by Leverous, afterwards Bishop of Kildare. That this earl was an object of suspicion and terror to the reformers of 1560, is exceedingly probable, from what we find in Cox, vol. i. p. 315 ; O'Sullivan, Hist. Cath. p. 292.

‡ The names of most of them are found among the unfortunate adherents of James II.

a hundred years after the Reformation; and during Elizabeth's reign, with the exception of Lord Baltinglass, all were loyal to her crown in the greatest dangers and under the most trying incentives to rebellion. The fidelity of their immediate descendants both to the English crown and to the Catholic Church is admitted in the amplest form by Archbishop Usher.\* Indeed, their fidelity to the Church is attested by another Protestant Archbishop of Armagh, in a report presented to Queen Elizabeth, May 17, 1565, on the state of all the parishes in the English pale.

"Immediately upon my arrival here," he says, "after I departed from your highness, I called together as many of the commissioners as conveniently I could, and by their advice determined to inquire by the oath and verdict of certain juries chosen out of all the several parishes within the English pale, and present all manner of disorders and offences committed against your majesty's laws and injunctions that concerned causes ecclesiastical; and upon return of their verdicts we found many and great offences committed against your majesty's laws and proceedings; all which we are about presently to reform with such diligence and speed as by any lawful means we may. But among all their presentments, they brought nothing against the nobility and chief gentlemen, which yet have contemned your majesty's most godly laws more manifestly than any of the rest; and therefore we determined to call them before us and to minister unto them certain articles, unto which we required the nobility to answer upon their honours and duty to your majesty without oath; the rest of the gentlemen answered upon their oaths. And when they brought unto us their several answers, we found, by their own confessions, that the most part of them had *continually*, since the last Parliament, frequented the Mass, and other service and ceremonies inhibited by your majesty's laws and injunctions, and that very few of them ever received the holy communion, or used such kind of public prayer and service as is presently established by law. Whereupon I was once in mind (for that they be so linked together in friendship and alliance one with another, that we shall never be able to correct them by the ordinary course of the statute) to come upon every one of them, according to the quality of their several offences, a good round fine and sum of money to be paid to your majesty's use, and to bind them in sure bonds and recognisances ever hereafter dutifully to observe your majesty's most godly laws and injunctions. But for that they be the nobility and chief gentlemen of the English pale, and the greatest number too, I thought fit not to deal any farther with them, until your majesty's pleasure was therein specially known, which I humbly crave with as much expedition as conveniently may be. And verily, in mine opinion, if they were once brought to some good order and dutiful obedience to your majesty's

\* See authorities cited in O'Sullivan, *Hist. Cath.* p. 314.

laws, and indeed somewhat sharply dealt withal now,\* it should be no small furtherance to your majesty's proceedings, and their example should be a great cause to bring the rest and meaner sort to a godly reformation."

This report has been given at length, because nothing but the words of their own authorities will be admitted by many Protestants against the audacious assertions of Dr. Mant and others, that the Irish generally adhered to the established worship during the first years of Elizabeth's reign. This report, on the contrary, proves that down to the year 1565 very few of the noblemen or gentlemen of the pale had ever received the Protestant communion or attended any Protestant service, and that generally they attended Mass. In truth, the statutes of 1560 were on this matter, as well as some others, as much a dead letter, even in the pale, as the Ecclesiastical Titles Act of 1850. Does not this fact confirm the tradition already mentioned, that the statutes of 1560 were passed clandestinely through Parliament? or are we to admit, would a jury of peers admit, that their Irish brethren who had honour enough to plead guilty at their peril to the non-observance of statutes, could have had so little honour as to vote, in so solemn a matter as religion, for the enactment of those same statutes which their subsequent conduct proves they had not the least intention of observing? At any rate, it is quite clear that the lords of the pale, who were one-half of the temporal lords in the Parliament of 1560, were as much opposed to the Reformation as the mass of the people. Let us next inquire how it was with other lords, not of the pale.

With regard to ten of them, lords of English descent, they ruled with sovereign sway in three provinces of the island; and it might be at once assumed, therefore, that they were not less faithful to the old creed than their brethren of the pale, unless indeed there be clear proofs to the contrary, unless we find them enforcing in their territories the new statutes. Now, from evidence already produced it is manifest that they did *not* enforce these statutes; for beyond the three dioceses of Armagh, Dublin, and Meath, the Reformation had made no progress whatever down to the year 1565. Readers acquainted with even the ordinary accounts of Elizabeth's reign will at once recognise among these ten Anglo-Irish lords many whose names have been indelibly, and for their temporal interests fatally, identified with the Catholic faith. They were Thomas Earl of Ormonde, Gerald Earl of Desmond, Richard

\* This is the true spirit of his class in Ireland: there never yet was an oppressive measure of which the majority of the established clergy were not either the authors or abettors.

Earl of Clanrickard, James Barry Lord Butterant, Maurice Roche Lord Fermoy, Richard Butler Lord Mountgarret, Thomas Fitzmaurice Lord Lisenan, John Power Lord Curraghmore, Birmingham Lord Atherry, and Courcy Lord Kinsale.

Thomas Earl of Ormonde, commonly called "Black Tom," was nominally a Protestant, but he died a Catholic in 1614.\* He was Elizabeth's right arm in the south of Ireland in political matters. Of his zeal for the Reformation in the first years of her reign, we may judge from the fact that all his own brothers were up in rebellion after the excommunication pronounced by Pius V. in 1569;† and that though his power was regal in the greater part of the archdiocese of Cashel, she did not (as we shall see) attempt to appoint an archbishop there until nine years after her accession. Even in Kilkenny, the seat of the Ormondes, the Catholic Bishop Thonory held possession of his see until his death in 1567, though the government did not of course recognise him as bishop. Gerald Earl of Desmond, the last unfortunate earl of that title, lost his 500,000 acres by his armed resistance to the Reformation. In the earlier part of Elizabeth's reign he promised in one of his submissions to advance the religion established by law, of which, however, he confesses he knew nothing;‡ but there is no proof that he ever endeavoured to fulfil this promise. On the contrary, there are numerous proofs of the jealousy with which the government always regarded him, and which the event justified. If he cannot claim the honours of consistent adherence to the Catholic faith, he certainly cannot at any period of his life be claimed as a sincere advocate of the Reformation. If he had voted for it or shewn any zeal for it in the Parliament of 1560, his mind changed so rapidly that two years later the government thought it necessary to exact from him, in his hour of need, a promise to comply with it. Richard Earl of Clanrickard never directly or indirectly conformed to the established creed. None of his successors for a hundred and fifty years after the Reformation conformed; his name appears in no commission for advancing it; when his sons were burning the church of Athenry in which a Protestant minister had been established, some persons remonstrated with them because their mother was buried in the church. "If," they answered, "she were alive, they would rather burn her and the church together, than that any English church should fortify there."§ Richard, their father, was imprisoned twice

\* O'Sullivan, *Hist. Cath.* 290. † Cox, *Hibernia Anglicana*, vol. i. p. 333.

‡ Hardiman's *Statute of Kilkenny*, p. 90; Shirley's *Original Letters*, p. 116. § Cox, vol. i. p. 336.

by the English at two critical periods of the religious wars ; first in 1572, and again in 1576, from which time he was kept in prison either in Dublin or London, until he was allowed to go home to die in 1582.\* Of the other Anglo-Irish lords, as being less influential, not so much is known. Lords Kinsale and Courcy make no figure in history. Birmingham Lord Atherry should perhaps be regarded as a lord of the pale, his great castle of Casterry being on the borders ; his religion was therefore probably that of his brother-lords of the pale. The family of Barry Lord Butterant were faithful to Elizabeth, but Catholic ; Lords Fermoy, Mountgarret, and Lisenan were in the Catholic army under Hugh O'Neil, nor is there any proof of the zeal of any of their predecessors for the reformed faith.†

In closing this brief notice of the Anglo-Irish lords present in the Parliament of 1560, we beg the reader to observe, that we do not deny but that some two or three of them were *professing* Protestants ; and that many of them consented to receive from Elizabeth grants of Church property. Many, especially of the lords of the pale, had received portions of that property before Mary's accession, and had their titles to it confirmed by her Parliament.‡ This willingness, however, to share the spoils of the Church cannot be considered as a profession of Protestantism, for it had been practised only too extensively in Ireland even before the Reformation. What we assert, and assert with confidence, is this, that among all the lords who were present in that Parliament, there cannot be found more than two or three who ever gave any practical adhesion to the doctrines of Protestantism, or any proof that they had even voted for the enactments of 1560 ; while the Catholicity of the great majority of them is established by incontestable proof.§

Moreover, it must be remembered that these twenty-three lords were not a full representation even of the titled nobility

\* O'Sullivan, p. 97, *note*.

† See a list of the Catholic adherents of Elizabeth in O'Sullivan, p. 141. "The princes and lords of Ireland were split into two great and powerful factions, the one English and Royalist, the other Irish and Catholic (*i. e.* insurgent). All those of English descent, for the most part, ranged themselves under the standard of heresy, though they were Catholics, preferring, like heathens, the cause of that nation from which they sprung, to the Catholic religion which they love and venerate." "Of those lords who assisted the heretics, three or four were heretics, but against their conscience, and merely as time-servers (*sed scienter errantes et temporibus servientes*) ; all the others were practical Catholics," p. 143.

‡ O'Sullivan, p. 85, *note*.

§ See, for instance, the testimony of Cox, *Hibernia Anglicana*, ii. p. 76 ; and the Catholic families cited there "who had signalled their loyalty in *all* former rebellions." Among these Catholics in 1641 (the period referred to) was Valerian Wesley, lineal ancestor of the Duke of Wellington. Berlare's *Irish Rebellion*, p. 43.

of Ireland, much less of all the native Irish princes. Several of the latter who had accepted titles from Henry VIII., and some Anglo-Irish (the Burkes of North Connaught, for instance), whose possessions were very extensive, were not present in this Parliament. The only two native Irish lords present were O'Brien Earl of Thomond, and Fitzpatrick, Lord of Upper Ossory. The former gave no proof of his Protestantism until the year 1572, but was rather considered down to that date as a champion of the old faith.\* So little did most of the Irish chieftains, especially of the north, dream of giving their adhesion to the enactments of 1560, that we find the Catholic Primate of Ireland, Richard Creogh, after escaping from the Tower of London, preaching in his cathedral of Armagh to the O'Neils and O'Donnells in 1566, and receiving from them the assurance that it would not be their fault if he did not continue to enjoy his dignity as securely as any of his Catholic predecessors.† Indeed, Elizabeth's power in the county of Down, the most English part of the north, appears from the following letter of Loftus, Protestant Archbishop of Armagh, to Sir William Cecil :—" May 16, 1565. It may like your honour to be advertised, that though it pleased the queen's majestie to bestow the bishopric of Down on the bearer James M'Caughwell, yet he cannot enjoy the same, by reason that Shane O'Neil's brother presently possesseth that bishopric by color of a grant thereof procured from Rome (as we are credibly informed), for which cause the said Cawell dareth not travel to Down for fear of bodily harm."‡

So much, then, for the temporal peers who assisted at the Parliament of 1560. Let us turn now to the spiritual peers who were present. According to the published list, there were twenty of them, and the character they receive from Protestant writers varies according to circumstances ; that is, according to the special object which the writer has immediately in view. If the apostolical succession of the present Established Church is to be proved, then these bishops are appealed to, as having given their free and enlightened assent to the change of religion, and taken their high place among the honoured fathers of the Reformation ;§ but if the charge made by Catholics against the Protestant prelates of Elizabeth's reign, of having made frightful havoc of the Church's property, is to be repelled, then these very same bishops are disowned and denounced as Papists, or at best as neuters, and Elizabeth herself is severely arraigned for having allowed them to retain

\* O'Sullivan, p. 90.      † Shirley, p. 327.      ‡ Ibid. p. 192.

§ Perceval's *Apology for the Doctrine of Apostolical Succession, Appendix*, p. 260 ; Palmer's *Treatise on the Church*, vol. ii. pp. 559-569.

possession of their sees.\* Deferring to another place an inquiry into the real authors of the dilapidation of episcopal property, we now proceed to prove, first, that this Parliament did not represent the Irish Church; secondly, that the presence of bishops in this Parliament is no proof of their apostasy; and finally, that except three or four of them, none ever gave any adhesion to Protestantism.

In the first place then, six of the Ulster and three of the Connaught bishops were certainly absent, namely, Derry, Raphoe, Clogher, Kilmore, Dromore, and Armagh;† Achonry, Kilmacdrogh, and Kilfenora; nor was any abbot present, though many of them had assisted in Queen Mary's Irish Parliament.‡ No Protestant bishop had even the titles of the two first, nor the possession of the four first sees, during any part of the reign of Elizabeth.§ On the whole, we think it is very doubtful whether twenty bishops assisted at the Parliament; there is no authority for the statement but a record preserved in the Rolls Office, which is by no means conclusive; for according to a similar record there were twenty-six bishops in the Parliament of 1585, though it is certain that one of these twenty-six bishops was dead two years before;|| and another bishop, the famous Myler M'Grath, figures three times in the record, first as Archbishop of Cashel, next as Bishop of Waterford and Lismore, and lastly as Bishop of Clogher; while another bishop is counted twice, first as Bishop of Cork and Cloyne, and next as Bishop of Ross.¶ In truth, from the Loftus MSS. it is highly probable that of the long array of twenty-six not more than twelve assisted in the Parliament of 1585. Who will venture to assert that dead men are not also on the record of 1560, and that others are not enrolled twice, especially when no account can be discovered of two of them, the Bishops of Ross and Killala, and when the names of the last six on the list are given in a style both unusual and admirably fitted for making one name stand for

\* Cox, *Hibernia Anglic.* vol. ii. Appendix vi. p. 21.

† The date commonly assigned for the last primate's (Dindal) death is 1558. But it appears manifest that when the Pope's nuncio and Richard Creogh, the future primate, first met, some time after August 1560, Armagh was not vacant. Shirley, p. 172.

‡ O'Sullivan's *Hist. Cath.* p. 85, *note*.

§ Myler M'Grath was appointed to Clogher, and Gurney to Kilmore; but neither had more than the title.

|| Fitzmaurice, Bishop of Kerry, who died 1583 (Four Masters); nor was any government successor named until 1588.

¶ Allen of Ferns is also counted twice, for that see and Down. No Christian name is given, but simply the titles of the sees ranged in order; so that any person not acquainted with the history of the bishops would conclude there were twenty-six bishops present. See the document in Hardiman's *Statute of Kilkenny*, p. 139.

two, and such, in fine, as these bishops would not have used had they been present? Instead of the Christian name and the name of the diocese being given, such as *Hugh* Dublin, *Roland* Cashel, &c., they are stated thus, *The Bishop of Ross*, &c. Moreover, one bishop is enrolled as a spiritual peer in this Parliament who certainly never was acknowledged by law.

But suppose that the twenty bishops were present, can it then be inferred that they assented to the establishment of Protestantism? Did Walsh of Meath, and Leverous of Kildare, who were both deprived of their sees after the Parliament for resisting Protestantism, vote for Protestantism in the Parliament? Their names are on the record as present, and yet it is notorious that neither ever gave any consent to Protestantism. Lacy of Limerick, who was also present, certainly retained possession of his see for many years after, and never conformed,\* and was on excellent terms with the Pope's nuncio residing in his diocese, and contributed in 1562 to the expense of sending out to Rome Richard Creogh, the future Catholic Primate of Ireland.† Fitzmaurice of Kerry was also present it is said, and yet the Catholic annalists recording his death in 1583 style him "a vessel full of wisdom," thus shielding his memory from the charge of apostasy. De Burgh of Elphin, uncle to the Catholic Earl of Clanrickard, is also mentioned by them A.D 1580, with praise not so unqualified, but still such as they would not give to an apostate; his name also is on the record of this Parliament. Proofs nearly as conclusive of the non-conformity of other bishops who are said to have been present can be produced. Two of them were Franciscans, Wall of Clonmacnois, and De Burgh of Emly. Their deaths are recorded by the Franciscan annalist,‡ without any of the censures which he ordinarily passes on apostates. So far was the presence of Skiddy of Cork from being considered by the government of the day a proof of his apostasy, that we find his see marked as "void" in June 1562, though he had been appointed to that see both by Queen Mary's letter and the Pope's bull.§ The same may be said of Thonory of Ossory (promoted by Queen Mary), who died in possession of his see, and never was acknowledged Bishop by Elizabeth's government.|| Finally, if Walsh of Waterford voted for Protestantism, whence comes it that the highest dignity of his church is conferred in the commencement of

\* He is ranked among the Catholic confessors of the faith by David Rothe in his *Analecta Sacra*.

† Shirley, p. 173.

‡ Donatus Morney, who compiled his history about the year 1614. MSS. Bibliothecæ Burgundiæ, pp. 7, 8.

§ Shirley, pp. 115, 116.

|| Ibid. pp. 101, 206, 216, 212.

Elizabeth's reign on a most distinguished Catholic,\* who retained it until the year 1565 at least?

The presence of these bishops in the Parliament of 1560 being then no proof of their apostasy, or rather, the Catholicity of many of them being placed beyond the possibility of doubt, what other grounds, we ask, have Protestant writers to claim them as apostates to the Established Church? Did they surrender their bulls and accept letters patent? were they appointed on any one of the ecclesiastical commissions for reforming religion? are they once mentioned with the praise due to Protestant reformers in the numerous reports presented to government by chief governors and ecclesiastical commissioners?† Never, except Hugh Curwen, Archbishop of Dublin, whose character has already been given; Thomas O'Fehily, Bishop of Leighlin, who took the oath of supremacy six months before the Parliament of 1560; Skiddy of Cork, who surrendered his bulls on threat of deprivation, October 29, 1562;‡ and perhaps Devereux, Bishop of Ferns, and last abbot of Dunbrody, who was no honour to the Reformation.§ Against the others there is no proof, nor shadow of proof, of apostasy; but there are manifest proofs that they never co-operated in the Reformation.

But here a question may perhaps be asked by some of

\* Peter White, for whom see *Athenae Oxonienses*, vol. i. p. 575, ed. 1813. He was elected Fellow of Oriel College in 1551; Master of Arts in 1555; Dean of Waterford; and "the happy schoolmaster of Munster," for "pedagogy" was then an honoured profession in Ireland. *Ibid.*

† On the contrary, the reports of ecclesiastical commissioners accuse all the bishops except three (as we have seen) of "not aiding God's word," as they called it.

‡ We have seen no direct evidence that Skiddy took the oath of supremacy. He was again deprived in 1566, and his see was left vacant until 1570. His name does not occur in popular story as a reformer; but his successor, Matthew Sheyn, is damned to notoriety in the Irish poems of Owen O'Duffy, a Franciscan friar.

§ "Such is the imperfection of our Irish bishops in this time, whereof one (the Bishop of Ferns) being lately deceased, hath left his see so naked, as his bastards, the tokens of his incontinency, have at this day in manner the whole of his livings." Sir Henry Sidney to Cecil, 1566; Shirley, p. 205. Down to this date the commissioners assert he was the only ecclesiastic who wasted his see. *Ibid.* p. 236. The persons appointed by Elizabeth herself were the real authors of the principal dilapidations of Church property. Loftus, one of the first nominees, the ruling spirit of the Reformation until his death in 1604, is accused even by Harris "of excessive avarice and ambition, grasping every thing for himself and his family." Craik, who was appointed Protestant Bishop of Kildare A.D. 1560, reduced that see to the most shameful poverty before his death in 1564. The same can be said of many other Protestant bishops, for whom see Strafford's letters, or the review of that statesman's life in the *British Critic*. The fact is, that Elizabeth, in her promotions of Irishmen, looked more to the strength they could bring to her government than to their will or capacity to teach Protestant doctrines. Thus a person who had been deprived of his deanery for gross immorality was presented to the see of Ferns in 1566, because his family was influential in the district. Shirley, pp. 267, 271, 277.

our readers: If these things were so, why were not all the Irish Catholic Bishops immediately deprived of their sees after the Parliament of 1560, whereas it appears that only two of them were so treated? The truth is, that a great part of the dioceses of these two deprived bishops (Walsh of Meath and Leverous of Kildare) lay within the pale; and this left them more at the mercy of the government than their brethren, who lived in districts where "the king's writ did not run," where no English president or officer was stationed, and where, as has been already proved, the mass of the nation, nobles and commons, were firmly attached to the old faith. Elizabeth did not deprive the rest of the Catholic Bishops, because *she could not*. She could not exclude Catholic lords and commoners from her second Parliament in 1569; she could not prevent the lords and gentry of the pale from generally attending Mass almost within sight of Dublin Castle after her Parliament of 1560. Anxious though she was, in the official language of the day, "that those Bishops whom her governors shall not fynd it mete to impel, be *induced* to submit themselves, and take their bishoprics of her,"\* we find not more than one of the Bishops of 1560 surrendering their bulls and accepting letters patent. And this firmness is the more remarkable, as the declaration required of them was nothing more than an acknowledgment that they held *the temporalities* of their sees from the queen.† Fatally for Ireland, Elizabeth's counsellors were too wise in their generation to arouse the whole nation by a sweeping deposition of the Catholic Bishops. The serpent wound his death-coil softly and securely. As the sees gradually became vacant, a few by deprivation and others by death, they were filled by royal nominees, wherever the English sword could protect them. Four years after the queen's accession, she ventured to appoint, by letters patent, a Protestant Bishop of Armagh, and five years later a Protestant Archbishop of Cashel (A.D. 1567); and in the former case she had endeavoured to secure success by offering to the canons of Armagh the exercise of that very privilege of election of which her Parliament of 1560 had deprived them; even so, however, they would not consent to the election of Loftus, the queen's nominee. In a few years, and especially after the failure of Fitzmaurice's insurrection in 1569, the mask was thrown off. Lacy was deprived of Limerick, and O'Herlity of Ross; and the same plan was followed to the close of her reign, the Catholic prelate and his

\* Shirley, p. 307.

† See in Ware's Annals, A.D. 1562, the declaration required of the Bishops. Shirley, pp. 115, 116, 119.

see always following the fate of the Catholic lords and their estates.

To persons unacquainted with the state of Ireland at that time, it may appear strange and almost incredible, that with nobles and commons universally attached to the Catholic faith, and with the great majority of the Bishops to guide and direct them, the nation did not at once make a combined effort to reverse the enactments of 1560. Such a combination, however, as matters then stood, and the laws not being enforced, would be a phenomenon rarely occurring in the history of any country ; and, morally speaking, was quite impossible in Ireland, which was then occupied by three parties, or rather sections, as much opposed to each other as any three nations perpetually at war. These were the native Irish, the *degenerate* English, and the Anglo-Irish of the pale. So fierce was their animosity, that it was carried even into the sanctuary. So late as the year 1516, Pope Leo X. had issued a bull sanctioning a law which excluded all native Irishmen from the cathedrals of Dublin. Primate Creogh, a native of Limerick, speaks of his appointment to the see of Armagh as an Englishman might speak of his appointment to a French see during a war between England and France.\* The old Irish could not sympathise deeply with the first victims of persecution, their Catholic brethren of the pale, who, in their turn, would prefer (as they were reproached at the time) hearing Mass in garrets and outhouses, to any combination, however promising, against the English crown, with those whom they called their "*natural enemies*."† The same causes, however, which rendered a general combination of the Irish impossible, and facilitated the first establishment of the law-church in Ireland, prevented the consolidation of that Church ; for the very measures which alone could recommend it to one party were not unfrequently most distasteful to another. It is true that those Irish dissensions of race gradually lost their virulence, in proportion as all were indiscriminately scourged ; but when all had been reduced to the same level of oppression on the accession of James I., it was too late to remedy the evil. The robber-church was then planted firmly on the necks of Irish and Anglo-Irish, of pardoned rebels and devoted loyalists, of the gallows-glasses of O'Neil and the Catholic veterans of Elizabeth. Then it was that the wisest among all parties learned to deplore the infatuation of their fathers, who had regarded with selfish indifference, when it did not come to their own doors, the stealthy progress of that ruin which overwhelmed their Church, and which, before another century had elapsed,

\* Shirley, p. 168.

† O'Sullivan, p. 144.

was to scatter their grandsons houseless beggars to the ends of the earth, before the exterminating sword of Cromwell.

Besides the jealousies of race and the endless petty wars and tumults, other causes, especially ignorance and the degraded condition of the Church, must have prevented any combined and well-concerted plan of resistance to the establishment of the law-hierarchy. The few schools in which alone the Anglo-Irish youth were educated had now for twenty years been suppressed, and the rising generation were utterly without instruction.\* This is admitted and deplored by Catholic historians. Never had there been such ignorance in the land. The very first care of all the ecclesiastics who have earned for themselves a name among the martyrs or confessors of the faith was to open a school and superintend it in person. And amply was their labour rewarded; for as knowledge was diffused, the unchristian character of the new Church became more detested, and the fidelity of the people to the old faith more devoted. The single school opened in Kilkenny by Peter White, after his expulsion from the deanery of Waterford, supplied the Church, in the course of a few years, with a host of elegant scholars and fearless missionaries.† These were far more formidable antagonists to the government than those who filled the sees and rectories in 1560; men who in general were elected by family influence or by open violence, and who not unfrequently did not even take orders, but after securing possession, retained the revenues for themselves, leaving the duties to be borne by poor and illiterate vicars, who had no other support “but the book and the stole.” This terrible abuse was denounced by one of the Irish prelates in the Council of Trent.‡ Some stringent laws were made against it in Irish provincial synods;§ but before these laws could produce much effect, the enemy was in the field, and found against them a hierarchy disorganised and ignorant, and without the spirit of their profession; a body, in a word, not able to cope with the systematic and centralised defence of a government even so weak as that which then ruled in Dublin Castle. It is painful to make these admissions; but no good can come from concealing a sad and instructive truth, confessed and deplored at the time by Irish

\* The only English schools were in four or five monasteries, namely, Grace Dieu Nunnery, Fingall, for ladies; Jerpoint and Kells (Kilkenny); Connal Abbey (Kildare); St. Mary's and Christ Church, Dublin, for boys.

† Rothe, Lombard, Waddings, White, and others familiar to Irish scholars.

‡ O'Sullivan, p. 109.

§ Provincial Synod of Armagh, first published in *Cambreensis Eversus*, vol. ii. p. 780.

Catholics themselves, and of which the disgrace rests less on them than on their governors.\*

We cannot close this paper without acknowledging our obligations to Mr. Shirley, who has collected in his *Original Letters* much valuable information on the Irish ecclesiastical history of the sixteenth century. A member of the Established Church, he believes that he has done her an essential service, and proved that she alone has preserved the true apostolical succession of bishops in Ireland. If she has an apostolical succession, it is without the sanction of the then existing Irish Church. The Parliament of 1560 gave no sanction; the Synod which Sussex held gave no sanction. She has her mission from Elizabeth, who planted the Bishops in Catholic sees, just as she planted the "undertakers" in Catholic estates. Against the legitimacy of these schismatical and heretical bishops the Catholic Church protested in the person of her true bishops, confessing the old faith in the dungeon and on the scaffold, and preserving unbroken the true apostolical succession on the Irish soil. Some of them fled; others held the titles of several sees; others were in prison:—but from the year 1560 to this hour, under Elizabeth as well as under Cromwell and William III., the Irish Church was never widowed. Even in the darkest times she had bishops, undismayed by the fate of their brethren, braving the wrath of the persecutors, and guarding the sacred deposit of her faith. Immediately after the Parliament of 1560, a papal nuncio arrived at Limerick to report on what sees were vacant, and to provide for the succession.† He could then count among the prelates Redmond O'Galchur, Bishop of Derry and Vice-Primate of Ireland, who was destined to rule as long as Elizabeth herself, and at last to seal his faith with his blood, the senior (in consecration) bishop in Europe.† He could also count, besides Hugh Lacy of Limerick, in whose diocese he resided, all the other Catholic bishops living in 1560, who died, as we have seen, in peaceable possession of their sees; he could count Leverous and Walsh, *true* bishops of Kildare and Meath. A few years later the same legate, still residing in Ireland, could hear that three Irish bishops sat in the great Council of Trent, and that one of them elicited the applause even of that august assembly by the cogency of his reasoning on ecclesiastical supremacy. These three bishops, with the blessing of the Pope and the good wishes of Christendom, were soon among their flocks again,

\* See the traditional policy of keeping the Irish in ignorance, urged by Curwen of Dublin, in a letter, June 21, 1564, p. 152.

† Shirley, p. 172.

‡ O'Sullivan, p. 77.

and laboured long, confirming them in the faith. One of them, Eugene O'Hart, Bishop of Achonry, outlived Elizabeth, and was peaceably buried in his own cathedral church; another, Donegh M'Congal of Raphoe, ruled his diocese until his death in 1589; the last, O'Herlity of Ross, was tyrannically imprisoned by the English in 1569.\* In fine, not to mention all the Catholic bishops who were appointed later, we might ask whether Primate Creogh (whose examination before English inquisitors is published by Mr. Shirley) was not a most respectable link in the apostolical succession? Surely his testimony loses nothing of its dignity for that he, like the Apostles, was summoned before kings and councils; and that he endured much toil and travelling, and that the last thirty years of his life, to his death 1595, were spent in the Tower of London, where persecution attempted to rob him of his character, dearer to him than his life. These are the fathers of Ireland's faith. These are the preservers of her unbroken hierarchy; its ranks were thinned, it is true, but never broken. Protestants ought not to forget that the Established Church had hardly any bishops residing in Ireland from 1641 to the Restoration. If twenty years could not interrupt apostolical succession, how, even on their own principles, can they dispute the apostolical succession of the Irish Catholic Church? Certainly, if they would prove the legitimacy of their Church, or mitigate the feeling of hostility to its privileges, it cannot be by provoking inquiry into its origin and history, nor by claiming the sanction of nobles, commons, or prelates in Elizabeth's Parliament of 1560.

---



---

THE MODERN PILGRIM'S PROGRESS;  
OR, THE HISTORY OF PUSEYISM IN A DREAM.

I THOUGHT in my dream that I found myself with a number of others wandering about on a somewhat dreary common, bounded at a considerable distance to the right by a very high bank surmounted by tall trees, whilst to the left it stretched away without boundary as far as the eye could reach. Curious to know whither the common led, and why we were all wandering there, I inquired of those around me, and learnt that we were travelling by orders of the king towards his royal city, where we should receive every gift that could make life

\* See the votes of the Irish Bishops in the Council of Trent, and some notice of their lives, in O'Sullivan, p. 108.

happy. But they alarmed me by adding, that not every path was a safe one; for that there was one in particular supposed by many to lead direct to the royal city, which would be found in the end to conduct the unfortunate travellers to the capital city of the king's enemy, where their destruction would be certain. I begged to be told how I might distinguish this wrong path from the right ones, upon which one of those near me, who seemed disposed to take especial charge of me, answered, that happily it was so wide and conspicuous a road, that I could not possibly mistake it for the others; and pointing to the high bank I had observed to the right, he told me *that* was the fence of the dangerous road to which he alluded, which was commonly known by the name of the old Roman road. He expressed great pity for the deluded travellers who were pursuing this road, and told me that they were kept by the artifices of the police in such complete ignorance of their danger, that they imagined their road to be not only safe, but the *only* safe way to the royal city. I pondered these words a little, and then said, "The travellers on the Roman road think theirs the only safe way, and we on the common think the same of ours; one or other must be mistaken, which of us is it?" All who heard my question smiled at the ignorance it displayed; and perceiving this, I was beginning to feel ashamed of it myself; but my friend good-naturedly said, "I see you are new to this journey, and have never heard the sad history of that unfortunate road." Then taking me by the hand, and leading me along his own path on the common, he proceeded to instruct me as follows: "The Roman road," he said, "was originally planned by most excellent engineers; and if it had been carried on as they began, it would have led direct to the royal city; but after the first hundred miles, or even fewer, another less skilful set of engineers took it in hand and deviated considerably from the first plan. These again were followed by a succession of others, each less skilful than their predecessors, and many of them actually in the interest of the enemies of the king, until at last the road was made to take a direction so entirely contrary to that which had been originally intended, that there is too much reason to fear it now leads direct to the city of the enemy. Besides this, from the time the original engineers ceased to manage the road, it was allowed gradually to fall into a worse and worse state of repair, until at last it became almost impassable, and it was next to a miracle that any of the passengers should have got on at all with safety to life and limb. During many hundred miles only a very few stragglers found out these paths upon the common, but the great mass of travellers laboured along that

miserable road without attempting to mend their condition, partly from the force of old habit, and partly from the extreme height of the fences on each side, which made it very difficult for any one to catch a sight of the country beyond. At last, about 300 miles back, a few spirited individuals climbed to the top of the left fence, and seeing the superior advantages of this common, forced their way into it. Their example was followed by multitudes, notwithstanding the violence of the police, who used the most unjustifiable means to prevent their obtaining their liberty; and from that time the common has always continued to be a high-road for passengers, although there are still too many who, either from blindness or wilfulness, refuse to avail themselves of the new discovery, and obstinately persevere in keeping to the old road." When my instructor ceased speaking, his history was confirmed by all who overheard our conversation; and whenever I thought afterwards of the Roman road, it was only to congratulate myself that I was safely beyond its bounds.

As I followed the steps of my guide for several miles along the common, I observed that there was no appearance of any good straight road across it, but that the passengers were walking in various little paths; some, as it seemed, choosing their way quite at random, but others carefully guiding themselves by frequent observation of the heavens, by the compass, and by the faint gleam of light in the distant horizon which marked the direction of the royal city. They did not seem, however, to be very scientific in their use of these guides of their course; for after making the very same observations, two passengers would often be seen to start in directly opposite paths. I asked my guide whether he thought that these paths, which seemed to intersect each other in every direction, would all lead alike eventually to the royal city; to which he replied, that the divergence I observed was much more trifling than at first sight appeared; that almost all the paths on the common, whatever their windings might be, would reunite at last at the gates of the city, and that therefore every one was quite at liberty to make his own observations and choose whichever path seemed to him the most direct. Notwithstanding this, I could not help observing that many of the walkers in the several paths looked with uneasiness on those who were not shaping their course in the same direction with themselves, as if they thought them in error, and feared that some evil would befall them in consequence. However, I continued unreflectingly to follow the footsteps of my guide, taking the accuracy of his observations upon trust (although I knew nothing of the amount of his scientific knowledge, except that it was greatly

superior to my own); and when, shortly after, I became separated from him in the crowd, and then altogether lost sight of him, I still continued for some time mechanically to pursue the same path. At last, however, the necessity of choosing between the paths which from time to time presented themselves before me compelled me to begin to take observations of the heavens, and to consult the compass for myself, as I had seen others do; but the experiment soon made me so painfully conscious of my incapacity for the task, and so uneasy lest I should miss my way, that I began to look out anxiously for some one whom I could trust to help me in making a choice among these perplexing paths.

It was not long before I saw a knot of people gathered round two or three men who were speaking with great vehemence, and seemed to be giving instructions on the state of the common and the true path to the royal city. I saw by their dress that they were some of the overseers of the road; and hoping that they might prove to be the very guides I was wishing for, I drew near to listen to them, though by so doing I was obliged to approach much nearer the dangerous old Roman road than my former instructor would have at all approved. When I was once near enough to hear them, the power of their words and the earnestness of their manner, joined with my previous uneasiness, soon induced me to trust myself to their guidance. From my new instructors I presently heard a somewhat different version of the history I had before been told of the first outbreak of passengers into the common. In the first place, they gave a much more favourable description of the state of the Roman road at the point where this outbreak occurred; it was, they said, certainly out of repair, but by no means impassable; neither would they allow that it had, up to that place, materially deviated from the original plan. Their account of the event was as follows. Many skilful engineers, they said, began to suspect just about that point that the road had slightly diverged from the plan laid down in the ancient maps, and, had they been permitted, they would have rectified these errors, and also put the whole road in a state of perfect repair. The authorities, however, unfortunately not only approved the old deviations, but also allowed the road to take a fresh turn in a direction yet more obviously inconsistent with the original plan. Upon this, the engineers, who were bent upon the reformation of the road, immediately laid the plan of a new one, which should continue, on the whole, the direction of the ancient road before the last unfortunate turn to the right had been taken, but corrected according to the most authentic charts existing of the first three or four hundred miles of the

road. On this reformed line we were all now walking; and they contended that although the fence between it and the ancient road had, unfortunately, never been taken down, yet that they were in fact identical, so that ours ought to be called the continuation of the old road, and the Roman road, after the new turn to the right, ought, in strictness, to be called the new road. Our instructors also said, that the engineers who planned our road never intended the passengers to wander about as they were now doing all over the common, each taking observations of the heavens and guiding his course for himself; on the contrary, they had strictly marked out the boundaries on both sides, beyond which no one ought to stray who wished to travel on the royal road to the royal city. On hearing this I looked around in quest of the boundaries, and readily enough perceived that to the right, being no other than the bank of the Roman road with a strong palisade at its foot; but I looked in vain for any fence on the other side, until at last they pointed out to me a line of posts, originally intended, perhaps, to be connected with bars or chains, but now standing quite disjoined from each other, and opposing no kind of obstacle to the free ingress and egress of the travellers. I then remembered that the path along which my first guide had led me had kept very near to this line of posts; but it certainly had never occurred either to him or to me, or to any of those near us, that it was meant for a fence, or that there was any harm in overstepping it: for many of the passengers crossed the boundary backwards and forwards quite at their pleasure; and the part of the common beyond the posts was quite as much thronged by travellers as the part within them, which we were now taught to look upon as being exclusively the royal road. My new guides lamented greatly this unfinished state of the fence, and explained to us that the plan of the road had never yet been properly carried out, in consequence of the wilfulness of the passengers, who, from the time it was first designed, had chosen each to take his own course, until the whole turf was so cut up by intersecting paths that all appearance of a public road was lost. They therefore exhorted us now to begin following without delay the original line of our reformed road, which, they said, was designed from an ancient chart of the first three hundred miles of the road, a copy of which they held in their hands. They directed us to keep strictly mid-way between the bank on the right and the line of posts on the left, adding that if all the passengers on the road could be persuaded to do the same, a very respectable high road would soon be worn, and no one need be afraid of losing his way.

The earnest manner of these speakers was so impressive, that almost all of us who were listening to them obeyed them at once and took the path in which they led the way; and I observed that many others continued to collect gradually from all parts of the road, and to follow our leaders zealously, straight on in the middle of the road, until at last our path certainly began to look considerably wider and more distinct than the rest. Those travellers who still kept close to the line of posts looked with distrust on this strong movement towards the middle of the road: some laughed, and said that if we wanted a beaten track we had better go and leap the right fence at once, and give ourselves up to the direction of the old police; whilst others more seriously prophesied that our middle path would be soon found to take a turn and re-unite itself to the Roman road. Our leaders in the middle path seemed much shocked and offended at this prediction, and retorted that the stragglers to the left, far as their paths seemed to diverge from the old road, were yet more in the way to get over the right fence than themselves. After this rather paradoxical assertion, I was much astonished, as I followed the crowd in the middle of the road, to observe that the very guides who had at first exhorted us so earnestly to keep strictly to the middle path were beginning sensibly to decline from it towards the right. Those on the left observed it too, and shouted to them in derision, that they were now fulfilling what had been predicted of them from the first; to which our guides replied, that they had no intention of getting over the fence, but that the ancient charts by which they were shaping their course shewed them that their own path lay a trifle too much to the left, which made it absolutely necessary to take a few steps in the direction of the old road. And now that the leaders had once forsaken the middle of the road, they proceeded, as it seemed to me, with greater hesitation than before; and I began to suspect that further study of the ancient charts had made them less satisfied than at first with the original plan of the reformed road, so that instead of following that line implicitly as they did at the beginning, they were really marking out as they went along a new line of their own. They were constantly taking careful observations of the heavens, and looking earnestly on the compass, always comparing the results with the ancient charts; and when these were not sufficiently clear, I observed with surprise that they now looked to the course of the Roman road as a sort of guide to their own, and no longer as a mark from which they were always to keep at a certain distance. At the same time I perceived that though on the whole the crowd moved on steadily towards the right fence, yet

there was far less of order and uniformity in their movements than there had been at first. Fresh leaders from time to time appeared, each taking observations of the heavens and studying the compass and the charts for himself, and each leading a little band of followers in his own peculiar path. Soon after, the travellers appeared to be broken up into knots of two or three, proceeding in different lines and at different rates of speed; and at last I could scarcely see any two who were really walking together, though all were tending in the same direction. There were some more impetuous than the rest, who broke away from all who attempted to hold them, forced themselves through the palisade, rushed up the steep bank, and were soon lost sight of as they leaped down into the Roman road; but these were few, and their proceeding was looked upon with very grave displeasure by the rest of the travellers. Most of us, however, went on our way with great caution, feeling ourselves to be launched on a difficult and perhaps dangerous course, and seeing that our first guides were not so sure of the way as they thought themselves at the beginning. We saw that we were rapidly advancing towards the Roman road, of which we all had an instinctive dread; and yet if we would guide our course according to the ancient charts, and the best observations of the heavens and of the compass, we could neither turn back nor stop short. All who had any influence redoubled their exhortations to every one of us to use all the means in our power to discover the right way, charging us to be especially diligent in the use of the compass with which each of us had been provided on his entrance into the road, and which, they said, required no scientific skill, but only a steady hand and clear eye to use it properly. On this account also they warned us to be especially careful not to stumble and fall, lest the dust of the road should get into our eyes; for this dust, they said, was known so materially to affect the sight, that if it once touched the eye, it would render accuracy of observation almost impossible. I saw that this warning was not lost on most of those who heard it, but that they went on with the utmost circumspection, examining cautiously and even timidly every step that they made.

In this manner we proceeded for a tolerable length of time, until the great body of the crowd had reached the palisade which has been already mentioned as separating the common from the bank of the Roman road. This was a much more effectual fence than the corresponding line of posts which I spoke of on the other side of the road; for between each of these posts there were driven in thirty-nine stout stakes pretty close to each other, and no one could possibly mistake that it

was intended to keep the passengers on the common from trespassing on the bank of the Roman road. A printed notice explained that the palisade had been put up shortly after the reformed road was first laid out, with the consent and approval of the then overseers of the said road ; and the stakes were marked all over with the names of the overseers of the road from that time until now ; for it was the custom, whenever any one was sworn in to any office on the road, to require him to chalk his name upon one of the stakes, in token that he united his consent and approval with that of those who had gone before him, and under whose auspices the palisade had been first put up. When, as I have said, our progress towards the Roman road was checked by this barrier, there was something of a pause to see what was to be done next. Some tore out two or three stakes without ceremony and forced their way through, or else walked through the gaps left by those who had gone before ; but others were much displeased at this conduct, and said that it was highly disrespectful to the authorities of the road. Such of the overseers as had led or joined the movement felt this difficulty the most, as might have been expected ; for every one of them had written his name on the stakes with perfect good-will when first he was sworn in, and there were all the names still quite legible ; yet now many of them heartily wished the palisade had never been put up at all. At last the most influential of them all went up to the palisade, and after examining and handling the stakes very deliberately one by one, he succeeded with wonderful strength and ingenuity in bending them, some outwards, some inwards, some sideways, in such a manner as to leave just space enough between as a man could with great difficulty squeeze himself through. Having accomplished this feat, he first forced his own body through the narrow opening, and then invited others to follow him, giving it as his opinion that thereby no disrespect would be shewn to the authorities, since, if the palisade had been intended to be really an efficient barrier, it never would have been made of such pliant materials. At least, this is the version of the story which was current amongst my own immediate neighbours and friends on the common ; for it happened that as he was some way ahead of me, I was not near enough to watch him very closely myself. I afterwards heard, however, that his own account of the matter was very different ; he said that when first the palisade was made, it had not been continuous or strong, but on the contrary that it had been left open on purpose to admit stragglers from the old Roman road, who would not have had courage either to break it down or to climb over it ; moreover, that it had been put together by bad workmen,

who had different notions how the line was to be drawn ; and beginning at different ends of the line, no wonder they did not meet and make their job complete. He said that what had given to the palisade that appearance of strength and continuity which imposed upon people looking at it from a distance, was a very extraordinary crop of a nasty poisonous plant,\* which had not only been allowed to run wild for the last two or three hundred years, but even some of the overseers themselves, through a mistaken sense of duty, had bestowed great pains on its cultivation, until at length it had attained such gigantic proportions as quite to overtop the original stakes, besides filling up all the gaps and crevices with such a tangled mass of verdure that it required a stout arm and very determined courage to force a passage through it; that fortunately his arm was strong and his courage good, and he had simply cleared a passage for himself and any others that might choose to follow him, by removing this noxious weed, without bending or in any way meddling with the stakes of the palisade, which in fact he had only restored to their original condition.

I will not pretend to say which of these versions is correct; I only know that anyhow the step that had been taken excited much commotion throughout the common, and a general outcry was raised against the manner in which the barrier had been treated by one who was bound by his office, they said, to maintain it in its integrity. Nevertheless, in spite of all that was said, great numbers pressed forwards and scrambled through between the stakes somehow or other, after the example of their leader. Many proposals were made to the highest authorities upon the common to check this movement, by driving in new stakes, or at least strengthening the old ones with cross-bars, to prevent a similar occurrence for the future ; but they were always successfully resisted by the combined efforts of those who had already passed the barrier, or who thought it not unlikely that they *should* pass it, and of others in still larger numbers, who, though they had no intention of ever passing the barrier themselves, yet entertained the highest respect for the overseer who had set the example of so doing, and would not consent to any thing that could have the effect of excluding him from the limits of the road.

In the midst of the general confusion and uproar which attended this little incident, I stood still for a few minutes, apart from my companions, to clear my ideas by sober reflection ; for in truth I was not a little puzzled and bewildered by what had happened. I said to myself, “ A little while ago our guides told

\* Well known to botanists, we believe, as a species of bindweed, under the name of *præjudicium virulentum*.

us, that since the unfortunate turn to the right which was taken three hundred miles back in the line of the Roman road, that road had diverged so far from the ancient plan that it could no longer be trusted; yet now I see the very same men who told us this so intent on getting close up to the bank, and exactly following the line of the old road, that those who scruple to break down the barrier actually devise means of creeping through it. What can be the reason of this change? It must be that farther study of the ancient charts, coupled with more careful observations, has shewn them that what they took to be a wrong turn to the right was not wrong, and that the present line of the Roman road is, after all, the only one in existence that corresponds to the ancient plans. I have been suspecting this some time, and now I am sure of it. Their acknowledged skill in science and long practice in observation is sufficient guarantee to me that they are not likely now to be themselves deceived, and their honesty in thus practically avowing former mistakes is sufficient guarantee that they are not wilfully deceiving others; therefore there is no course for me but to follow them across the barrier, and the most straightforward path is the best." So saying, I stepped through the nearest gap in the palisade, and found myself within a few paces of the foot of the bank which separated me from the Roman road. From the time that we had first approached near enough to obtain a sight of this green sloping bank, crowned with venerable trees, an irresistible attraction had drawn me forwards; and now that I found myself actually at its foot, within reach of the perfume of the flowers from the inner side, and within hearing of the sweet singing of the birds, I could not resist the desire I felt of springing forwards and climbing the steep bank, in order to get a sight of the road itself. Those whom I had seen, at former stages of our progress, break away from the rest and climb over the fence into the Roman road, had for the most part rushed up the bank with considerable impetuosity, and leaped down at once into the road; but those who, with me, were now beginning to climb proceeded in a very different manner. They seemed no more to think of entering the Roman road than they did when they were on the opposite side of the common; being quite absorbed with all the novelties they met with on the bank or could see upon the road, and endeavouring rather to walk along upon the steep of the bank than really to ascend it; although the difficulty of keeping their footing upon such sloping ground often compelled them to take a step upwards, which brought them, almost unconsciously, gradually nearer and nearer the top. There were several of these whose sole attention was engrossed with a scheme

for forming a new path in the narrow space between the palisade and the foot of the bank, which, they said, might follow the course of the bank, if preferred, whenever the two were not parallel. Some of them were busily engaged in taking cuttings of the flowers that strayed over from the inner side of the fence, and slips from the trees which grew on the top, and handing them down to these below, gave orders that they should be planted along the foot of the bank for the adornment of the proposed highway; whilst others again climbed up high enough to watch the police arrangements of the road, and take notes of the written regulations for the passengers, with a view of adapting them to the use of the new path. They recommended their scheme with the utmost earnestness, assuring their hearers that when the young slips and cuttings should be grown up, and the new police arrangements should be brought to bear, the new road would quite equal the beauty and order of the Roman road, with which, in fact, but for the accident of the fence, it might be considered as identical. Some of the most sanguine even ventured to hope that the time was not far distant when the authorities of the Roman road, opening their eyes to the beauty, excellent arrangements, and strictly parallel course of the new path, would order the fence to be moved farther back, and take in the new piece to widen their own road, to the manifest advantage of both. Notwithstanding these bright promises, I observed that very few could be prevailed upon to take the proposed line, so that there seemed very little chance of any thing like a visible path being worn. Few could be induced to come near the bank at all; and of these almost all immediately forsook the path at the foot, and began to climb the bank itself. Even those who were so anxious about the formation of the path were themselves, on one pretext or other, half-way up the bank, and often lent a helping hand to those below them to bring them up to their own level; until at last I began to suspect that they intended the whole of the bank to be part of their proposed new road, though they did not like to say so openly, and that they only intended the level strip at the foot for such as were not strong or steady enough to walk forward without slipping on so steep a declivity.

For my own part, I was neither disposed, on the one hand, to join the travellers in the proposed new path, nor, on the other hand, did I envy the lofty position of others who had climbed to the top and were actually walking along upon the very ridge. My sole object at first was, as I have said, to climb high enough to see with my own eyes the road of which I had heard so much; and I therefore continued steadily to

ascend until the Roman road lay before me. Prepared as I was by this time to find its true state entirely different from the evil reports about it that were prevalent on the common, I yet could scarcely believe my eyes when I saw before me a straight road, in perfect repair, along which thousands of passengers were travelling with a security and freedom from uneasiness which was quite a novel sight to me, after the doubting anxious pilgrims with whom I had travelled over the common. I was struck also with the picturesque beauty of the road, which was skirted on both sides with verdant banks, clothed with flowers of every hue and breathing the most delicious perfume, and crowned with the venerable trees which I had long seen from afar, whilst a stream of the clearest water flowed along the side of the road to refresh the travellers when weary of their journey. I also perceived that the passengers on this road, being spared all perplexities about finding their way, were able to advance far more rapidly and with less fatigue than those to whom I had been accustomed; and I saw too that each individual received personal assistance in his progress from the overseers of the road, such as the overseers on the common did not even attempt to afford. The utmost that the most active amongst *them* had ever been able to do, was to spare such passengers as would trust them the trouble of choosing their own path, by walking before them and giving them general directions how to follow; whereas on this road every traveller was placed under the especial charge of some one overseer, to whom he applied in the slightest difficulty, and who was bound to afford him immediate assistance. I watched the overseers on duty with much interest, and saw them engaged sometimes in raising up the travellers who had fallen, sometimes in removing stones from before their feet, sometimes in supporting the feeble, and sometimes in directing the more delicate passengers which side of the road to choose, and how best to shelter themselves from the sun and wind. I called to mind the rugged parts of the common over which we had passed without help, and thought how welcome such friendly guides would have been, could we then have found them. As I was thus looking upon the road, I saw written up in large letters, "The king's highway;" and as I read the words, I could not but acknowledge to myself that it fully answered all my imaginings of what the royal road to the royal city ought to be. As this thought passed through my mind, I looked back upon the dreary common and the doubtful road to which I had once tried to give that glorious title; and the contrast between the two at once completed the conviction, "If there be a royal road at all, this is that road." The

thought spurred me onwards, and I sprang up to the top of the bank with the half-formed purpose of leaping down at once on the other side. When, however, I reached the top, and perceived the giddy height on which I stood, I was no longer surprised that some should have preferred walking along upon the top to venturing on such a terrible leap, for the level of the road was much lower than I expected; moreover the bank was quite perpendicular. I sickened as I looked down, and my courage failed me. I turned for counsel to my fellow-adventurers on the fence, and soon learnt that they all took part with my fears, and strongly advised me not to be so rash as to leap down from such a height, but rather to follow them, and make my way along as well as I could upon the top of the bank. Accordingly I moved on upon a very narrow path, made rugged by the roots of the trees, and affording a very imperfect footing in consequence of the crumbling nature of the soil, which gave way under the slightest pressure, so that I should have often slipped but for the support of friendly hands. I thought our position rather a perilous one, and I saw that the passengers on the Roman road thought so too, and wondered that we did not come down from our dangerous eminence either on one side or the other. I could distinctly read the warnings set up by the way-side against the perils of by-paths, and the repeated invitations to come into the road as the only place of safety, and all this made me feel sometimes a little uneasy; but my companions were of opinion that none of these warnings could be meant to apply to the path on which we then were, because the authorities of the road never could have contemplated the possibility of any one's walking there.

This answer by no means quieted my fears; but there was one who said, "As long as you find you can get on at all upon the fence, keep to it. You know that you are alive and well so far, and that no harm has happened to you here as yet; but you don't know but that you may break your neck in the fall, if you attempt to leap into the road. It may come to that at last, but do not leap before you are obliged; push on at all hazards for the present: who knows but that the fence may become lower further on?" This seemed reasonable, and I went on for some time with more tranquillity, encouraged by his words and example, as well as that of others who preceded me, so that I was not at all tempted to follow those few whom I saw from time to time leap off the fence into the road. I only watched them with interest, and remarked that, as far as I could judge, they did not seem so jarred by the shock as I should have expected; on the contrary, whenever I caught

sight of them, they seemed to be walking briskly along the road as if nothing was the matter; excepting one only, who appeared to be much hurt by the fall (having, I suppose, slipped off the top before he was aware); he never seemed quite to recover it, and after a little while made his way back over the fence again as fast as he could, and I soon lost sight of him. This state of tranquillity, however, was not of long duration; all my fears and disquiet were speedily renewed by seeing the most daring of our leaders (the same who had first forced his way through the palisade, and in whose courage and sagacity we all put implicit trust) suddenly stop short and declare that he would go on no farther. He did not, however, take the leap at once, but quietly sat down on the top of the fence with his feet hanging towards the road, as if he meant to take his time about it, and let himself down easily.

I had scarcely asked myself what was to be done under these new circumstances, when another of the overseers, who had been my particular companion and guide since I mounted the fence, and now walked immediately before me, and who had always been more fearless than most of the adventurers, seemed suddenly to see some danger before him—stopped short—and without saying a word, sprang down into the road with such force that the ground crumbled away under my feet—I felt myself falling—my head turned giddy—and with the fright I awoke.

*July 1845.*

## CIRCUMSTANTIAL EVIDENCE.

### CASE OF MR. KIRWAN.

KIRWAN has been reprieved; so the Crown has admitted the *possibility* that his execution might have been a judicial murder. His case has excited more interest, perhaps, than any other that has occurred in living memory on the question of guilt or innocence, and as presenting a difficult problem with reference to circumstantial evidence. This is a subject which to all of us is of the deepest interest. The security of our lives depends on a due examination of circumstantial evidence; and if to-morrow a suspicious but fortuitous collocation of circumstances should expose any of us to a capital charge, in this alone would be our protection from that most horrible of all murders—a murder of the innocent under the formalities of law! Moreover, *Catholics* should feel a *peculiar* interest in the case; for in our opinion it illustrates that force of prejudice, from which, in cases like that of Coleman, our

forefathers suffered so cruelly this dreadful kind of murder; and from which cases like that of Father Newman shew they may still suffer, if not in life, yet at least in liberty.

Our greatest criminal lawyers have left on record solemn warnings as to the care and caution with which persons should be convicted on circumstantial evidence. The instance Lord Coke gives as a good illustration of a *safe* conviction on such evidence is, that the deceased is proved to have been murdered in a certain house or place, and the accused to have been immediately afterwards seen running out of it with a bloody sword in his hand. This is what the text-writers call a *violent* presumption as opposed to one merely *probable*; and it is only the former which is deemed sufficient to support a capital conviction; a conviction in which an error is fatal and irremediable. As instances of the other—the merely *probable* species of presumption—Lord Coke and Sir M. Hale give two terrible instances of fatal error. Lord Coke's case is this:—an uncle who had the bringing-up of his niece, *to whom he was heir-at-law*, correcting her for some offence, she was heard to say, Good uncle, do not kill me! After which time the child could not be found; whereupon the uncle was committed upon suspicion of murder, and admonished by the justices to find out the child by the next assizes; against which time, as he could not find her, he brought another child as like her in person and years as he could find, and apparelled like the true child; but on examination she was found not to be the true child; and on these presumptions he was condemned and executed. But the truth was, that the child being beaten ran away, and was received by a stranger; and afterwards, when she was of age, came forward to claim her land, and proved her identity. Sir M. Hale's case is the following:—a person was long missing, and upon strong presumption B. was supposed to have murdered him, and to have consumed him to ashes in an oven, so that he should not be found; whereupon B. was indicted for murder, and convicted and executed; and within a year after, the person returned from beyond sea who was supposed to have been murdered. Both these cases have a strong bearing upon the present, especially the first. In both there was no clear proof of a *murder* having been committed at all; and so in the case of Kirwan; the medical evidence left it doubtful. In our argument, however, we shall assume this point to have been established.

But we need not go back to cases so ancient to shew the necessity for the greatest caution in capital convictions on circumstantial evidence. A few years ago a man was convicted of a murder upon circumstantial evidence infinitely stronger

than that which was adduced in Kirwan's case. The daughter of the murdered gentleman swore that she had struck up the pistol in the prisoner's hands ; that it had wounded her, and that her blood fell upon the prisoner's coat ; and the stain of blood was found upon his coat. The man was executed ; but last year it was given in evidence by a Catholic clergyman of high character, that he had conversed with the prisoner, and with respectable persons who knew him ; and that they were persuaded it was *impossible* that he could have been at the scene of the murder, for he was seven miles off at the time : and this was sworn by several witnesses. That man was tried and convicted before Mr. Justice Crampton, the judge who tried Kirwan. In another case of circumstantial evidence the jury said they were morally satisfied of the prisoner's guilt, but felt that the evidence was not legally sufficient ; and so they acquitted the prisoner. The law-officers of the Crown were angry ; but surely the previous cases shew the jury were right. For awhile the jury seem to have felt the same in the case of Kirwan ; and this in itself shews that there must have been grave doubts as to the sufficiency of the evidence, and whether it amounted to a presumptive proof so strong as to exclude any rational theory of innocence. This is the question we propose to discuss ; bearing in mind the principle of law, that of any *doubt* the *prisoner* ought to have the benefit. What was the evidence ? Let us take it in the order of time.

Kirwan had been married for twelve years. He had during the greater part of that time a criminal *liaison*. This was presented as evidence of *motive* for the murder. But it proved too much. He had found his wife no hindrance to his *amour* so long ; why should she, then, have become so now ? To supply the obvious deficiency in the evidence in this respect, of course it should have been proved that the wife had only recently become aware of the fact. This was not proved, however, though it is generally imagined that it was. It was attempted indeed to shew it, but it was not shewn ; and for this simple reason, that it *could* not be, seeing that it was *not the fact*, for the poor lady's mother has since sworn that her daughter was all along aware of it, and spoke of it without any anger as her husband's only fault. This brings us then to the evidence by which it was attempted to shew a recent ill-usage and quarrelling. The landlady of a house where the Kirwans had lodged for three months before the event, stated there had been some quarrelling for the *first* month, but that for the last two months no couple could have lived more happily up to the very day of the death. Here again the evidence broke down. And as to the alleged quarrelling two

months before the death, we have an observation to offer of some importance. The evidence was of that loose character which necessarily attaches to what is merely *overheard*, and in the witness's original examinations she *mentioned no words* as having been heard by her at all. At the trial, however, she said she heard angry words about somebody's mother, and an exclamation, "I'll *end* you!" from Kirwan (not very likely language this, one would think, from a man in Kirwan's position in life, an artist and a gentleman), apparently addressed to his wife; so, at least, the witness inferred. But there is a singular circumstance which points to the probability of a totally different hypothesis. It happens that for years there has been a deadly feud between Kirwan and a Mrs. Boyer, who evidently has harboured feelings of enmity against him on account of some transactions respecting property between Kirwan and her husband; and this woman (it has since been sworn by Mrs. Kirwan's mother) had used the most violent language to her about Kirwan, saying, "Your son-in-law murdered my husband." Now it is possible that Kirwan's angry language may have referred to this; a supposition the more probable, as the witness said somebody's mother was alluded to, and this might have been Kirwan speaking to his wife in an angry tone of the horrible accusation made by Mrs. Boyer; so that his anger may have been at the latter, and not at his wife. This suggestion may, at all events, serve to shew with what care evidence of this character should be received; and we would remind our readers of the old case cited by Sir M. Hale, in which the conviction principally proceeded upon precisely the same species of evidence, a casual expression overheard and misconstrued. At all events, this evidence referred to what had occurred *two months before the death*; and at the time of the death the Kirwans were living as happily as possible, according to the witness's own statement, confirmed since the trial by the affidavit of Mrs. Kirwan's mother, who represents them as having always lived amicably. Moreover, this is still further confirmed by the circumstance of their having been in the *habit* of going out together to a little island, a quarter of an hour's sail from Howth harbour (where they resided), he to sketch, she to walk and bathe. They went out thus together on the morning of the fatal day. Four boatmen rowed them, of whom the Nangles were two, Patrick and Michael his cousin, the chief witnesses against him. They told the boatmen to fetch them at eight o'clock, the lady herself mentioning the hour. At four o'clock the same boatmen brought back another party, and then saw Mrs. Kirwan, who was offered by the family a seat in that

boat, but declined, saying that she and her husband were to be fetched at eight. There was proved to have been another person on the island in the course of the day ; it was *not* proved what became of him. It was proved that the boat of a person named Doyle also went over in the course of the day ; it was *not* proved what became of it. But Patrick Nangles swore positively that no one was on the island after four o'clock but Mr. and Mrs. Kirwan. This, of course, was of most vital importance, and was clearly felt to be so by the jury, for the foreman asked, "How do you know that?" The witness answered that he had been at Howth harbour all day, and that no one could leave it without his knowing it. Now he had *not* been there all day, for he had taken a party over at twelve and fetched them back at four ; and even if he *had* been there all day, this only enabled him to swear that no one had gone to the island *from that place*. But did he pretend to have *searched* the island when he left at four ? or could he pretend to be certain that no one had landed on the island from other quarters ? Nevertheless, he did swear positively that no one was there after four ; and the very fact of his swearing so positively to what he could not possibly be certain of, tends at the outset to affect very considerably the credibility of his entire testimony. One would have thought that on this point the witness would have been cross-examined carefully ; yet it appears to have been allowed to pass without examination. Again, it appears altogether to have escaped observation that the witness's positive assertion placed him in this awkward dilemma. If untrue, it destroyed his evidence in one way ; if true, it destroyed it in another way. For if he was conscious and certain that no one else could have been on the island after four except himself and cousin, and Mr. and Mrs. Kirwan, he must have felt in this position,—that if Kirwan were not convicted, they must be suspected ; and this, of course, would supply the strongest conceivable motive for pressing his evidence as much as possible against the prisoner. For, be it observed, it is clear the boatmen had access to the island at pleasure ; and the assertion that no one was there after four rests exclusively on Patrick Nangles' assertion ; for strange to say, neither his cousin nor the two other boatmen were examined upon this point. Thus, then, the second great head of the evidence breaks down as completely as the first relative to the supposed motive.

In approaching the next head, therefore, we maintain that in common fairness it ought to be borne in mind that there was *no* evidence of any motive for the husband murdering his wife, and that there was *no* evidence that he was the only person

who *could* have murdered her. And this being so, he is fairly entitled to the benefit of the assumption that the husband is the *last* person who can be supposed capable of murdering his wife; and that as it was possible other parties had done the deed (supposing her to have been murdered at all), it was more *probable*—so far as the evidence has yet gone—that others did it rather than he. There ought, therefore, to be evidence to prove clearly, first, a murder; and secondly, that he committed it.

The third head of evidence relates to screams proved to have been heard from the island about *seven o'clock*, as to which there was considerable diversity of evidence; some witnesses saying there were three screams, others six; some that the interval between the first and second scream was eight minutes, and others, that altogether they only lasted two minutes. Very loose evidence; but, at all events, if taken to prove that they were Mrs. Kirwan's screams (which no doubt they were, if they came from the island), it ought also to be taken, as the construction of the doubtful evidence most favourable to the prisoner, that the screams lasted several minutes, and were repeated several times; and this will be found scarcely to square with the theory of the prosecution. But there is another remark to be made on this point. The counsel for the Crown pressed it against the prisoner, that *he* must have heard the screams. But this is not so clear, since the wind might carry the sound away in another direction; and it happens that the wind *was* in the opposite direction *towards Howth*, for it was there that they were heard. And now the observation of the Crown counsel recoils with terrific force upon the chief of the Crown witnesses, Patrick Nangles, who swore he had been at Howth harbour all the evening after four o'clock (and he must have meant on the beach, or otherwise how could he have pretended to be certain as to what boats left the beach?), the very spot where a fisherman heard the screams. If this person could hear them, how is it Patrick, on precisely the same spot, did not hear them? If he *had* heard them, can any one believe he would not have stated so striking a fact? If he did *not* hear them, how was it that he did not? *was he indeed there all the evening after four o'clock?*

In the next head of evidence, this very man, Pat Nangles, is the chief witness; and it is clear that at a quarter to eight he was at Howth, for he and his cousin and two other boatmen sailed thence at that time to fetch the Kirwans. They found Mr. Kirwan alone on the landing-place. Then Patrick says, “We asked where the lady was? He said he had not seen her since an hour and a half ago, when she had left him

to go and bathe in the Long Hole, and that he had been looking for her for an hour." Did he not also say, that she had said, that after bathing she would walk round the island and meet him at the boat? He stated this in his deposition at the inquest; and it is most probable that he said so to the boatmen. They omitted it, however. It is important; because the Crown counsel pressed it (though not proved), that he went with Michael in an opposite direction to the Long Hole, which would be the *right* direction to go in order to meet a lady who was supposed to be walking *round* the island *from* the Long Hole. Patrick proceeded thus: "Mr. Kirwan and Michael went to look for the lady. I remained with the boat looking over Mr. Kirwan's sketch-book (which he *could not see* at that hour); and they were gone about half an hour. When they came back, Michael *came up close to me*, and said, *Did you get the lady?* (What a strange question to put to the man who had remained behind at the boat!) I said, *No; did you?*" Now, what does Michael say he had been doing meanwhile? He says, he went to the Long Hole, *and searched it and found nothing*. They now suggest that Pat should go with Mr. Kirwan to the Long Hole, and he in the opposite direction, and meet there. Pat then says, "I went with Mr. Kirwan. As he went he nearly slipped over the rock, and I saved him, and said, Don't let us have to answer for *your* life (seeming to imply that the *lady's* life was lost already,—a somewhat premature supposition). When we came to (or near) the Long Hole, we met Michael. As I went on (Michael said that Patrick had left Kirwan behind a short distance), I saw something white in the Long Hole, and found it was the drowned lady." So it is Patrick Nangles, then, who finds the body, and finds it in the place where his cousin said he had, half an hour before, searched and found it not. The reader is requested to remark this with reference to what follows. He proceeds to say, "Mr. Kirwan told me to look for the clothes; I looked on the rock and could not find them." Michael says, "I did not look on the rock, but along the strand, and I and Patrick came back together." Now, mark what follows. Patrick says, "Mr. Kirwan went to look for them (implying that he went by *himself*), and was away a few minutes; when he came back he pointed up to where the clothes were, and sent me for them; and I went and found them, *where I had looked before and had not found them.*" And when cross-examined, he says, "I swear positively that Kirwan went no farther than I had gone, and that they were not there when I went, and I *found the clothes where he had put them.*" This, of course, was meant to imply that

Kirwan had all along known where they were. But a similar inference would apply to the witness, who was the first person to find the body, where his cousin had previously searched without finding it, and when it was far lighter than it now was, for now it was *half-past nine at night*. How could Patrick swear positively the clothes were not where he had searched before, or that Mr. Kirwan went not a bit farther on the rock? Nor is this all. Patrick's account is contradicted by Michael's. What does Michael say? "Mr. Kirwan went up the hill and *I after him*; he brought back a shawl and *sheet*, and told Pat to go for the clothes." This does away with what is implied in Patrick's evidence, that Mr. Kirwan went secretly and alone, and shrank from appearing to know where the clothes were; for he actually brought back part of them. And Michael states he brought back the sheet which Patrick swore was under the body when it was found! which he swore for the first time at the *trial*, and had never before mentioned, either at the inquest, or in answer to innumerable inquiries addressed to him. Surely these inconsistencies shake the evidence of the chief witnesses for the Crown! And we have been careful to sift the evidence on this part of the case, because we observe, that after conviction Kirwan particularly commented on this part of the case, and appeared to feel that here it was he had been in some way wronged by the evidence for the Crown.

But there is something further to remark on this head of the evidence. Although it was dark, between half-past nine and ten, the Nangles described very minutely the position and appearance of the body, even to scratches like pin-marks.\* And again, they stated the body to have been warm and flexible, although if the theory of the prosecution were true, that the murder was committed at seven o'clock, the body had been naked on the rock under water during the greater part of the time, for *two hours and a half*! All this seems utterly to have escaped attention at the trial. One other point, however, did not escape observation: Kirwan was wetted up to his knees; and Pat Nangles said he could not have got so wetted while he was with them. On cross-examination he admitted that there had been a heavy shower at half-past six, and that there are very high ferns on the island; but he eagerly added, "Oh, he got no wet so." How could the witness know that, as he had remained half an hour at the landing-place, while

\* Patrick said he had to put his hand down to feel what it was, and so found it was the naked body; and then he described accurately all about it! This reminds one of Falstaff's "It was so dark that thou couldst not see thy hand; when three knaves *in green* came at me!"

Kirwan was looking for his wife with Michael, and Kirwan had said he had been looking for her before they came? There is the same disposition to press the evidence against the prisoner which we have already remarked upon; and the same eagerness to swear without sufficient grounds in personal knowledge.

Lastly, we come to the evidence as to the cause of death. The medical evidence was discreditable. It amounted merely to this, that the death most probably might have been by violent pressure in water. It was proved that at seven o'clock, when the screams were heard, there was only one foot nine inches of water on the rock where the body was found, the tide going down, so that at eight o'clock there was only an inch or two; and at half-past eight, when Michael searched the Long Hole, there could have been none at all. The theory of the prosecution was, that Kirwan pressed his wife down in the shallow water, at seven o'clock. But there were repeated screams for several minutes; the body was warm at half-past nine; and there were no marks of a struggle on Kirwan's face or person, although Mr. Justice Crampton truly said, "the struggle must have been a violent one."

Such was the evidence which was given. We simply ask, is it not consistent with the whole of it (or so much of it as is clearly true) that some other parties committed the murder (assuming that there *was* one, which medical men doubt)? And is not this in some respects more consistent with the evidence than the theory that Kirwan committed the crime? Let it be remembered that we have already removed the supposed *motive* on his part, and shewn that other parties might have been on the island. But what motive could *others* have had? To this we answer by drawing attention to another and the most important of the points which escaped attention at the trial. It was not attempted to ascertain whether any other crime than murder had been perpetrated. Yet, if there had been, clearly no one would conclude the *husband* the perpetrator of either crime. This monstrous defect in the evidence in itself would nullify the conviction. And this is the first time in the history of modern criminal jurisprudence in which a man has been capitally convicted upon evidence leaving in uncertainty a fact, which, if discovered, might be conclusive as to his innocence. The prisoner was convicted in direct violation of the rule of law, that he ought to have the benefit of any doubt. Why was this? And here comes the moral of our story. It was on account of *prejudice*. The judge shewed in passing sentence what had been weighing in his mind against the prisoner all through the trial; for he

dwelt upon the supposed motive, his previous *liaison*, which we have shewn was no motive at all. And the prejudice had operated *before* the trial. The chief witnesses very much altered their accounts of the transaction after they had been interrogated by the authorities. Months had elapsed ; they had been over and over again asked about the affair, and had described it a hundred times, but had *never mentioned* circumstances which at the trial for the first time they professed to recollect. Any lawyer will appreciate this remark. In itself it destroys their evidence upon those points ; and these are precisely such as told most against the prisoner. And how came this to happen ? what took place in the Crown office ? Something has been sworn to which may suffice to make one suspect more. A respectable witness deposed that he stated to the authorities what we have above alluded to, viz. the difference between the original and the subsequent accounts given by the boatmen ; nevertheless, the authorities called those witnesses, and took no heed whatever of this grave circumstance of suspicion. This shews an *animus* against the prisoner ; and no one can tell how far it has extended. How far it may have extended is shewn in a striking manner by what has since happened. Another charge of murder is now got up against Kirwan, and eagerly credited in Dublin, although there is not one atom of proof of the man having been murdered at all, and he may be at this moment in America or Australia ! There is a startling resemblance between this case and those cited by Lord Coke and Sir M. Hale. These eminent lawyers lay it down as a fundamental rule, that no one should be convicted of a murder until the body is found, because until then there can be no proof of a murder having been committed by any one. Yet, we repeat, this new charge is swallowed eagerly, so eagerly as to strengthen our suspicion that the same prejudice which palpably leads people to credit the second, may have led them to credit the first. And it is credited, too, in the face of the fact, that there is sworn evidence of the existence of a most bitter feeling against Kirwan on the part of Mrs. Boyer, the woman who has brought forward this new charge, a charge which she certainly has an interest in attempting to establish, and which she avowedly is attempting to establish, in order to induce the Crown to give her a portion of his property forfeited on conviction. It matters nothing for our argument whether there be grounds for this charge or not ; we only care to observe, that these circumstances much detract from the credibility of evidence adduced to establish it ; and even assuming it to be true, if it be said that a man's having committed one murder makes it

more likely that he may have committed another, we answer, Very possibly so ; but, on the other hand, it makes it more likely that he may be *presumed* to have committed it ; and thus it only strengthens our argument as to the danger of convicting a man except on *legal* evidence ; for which reason the Crown does not allow evidence of a previous murder (or other crime) to be given on the trial for a subsequent one, lest it should prejudice the jury ; and our readers may recollect that this rule was applied strictly in the case of Achilli, so that it was not permitted to press him as to acts of criminality separately from those charged in the accusation. Why was it admitted in the case of Kirwan ? Because it was considered as shewing a *likelihood* of the commission of the crime charged ; precisely the ground on which it was proffered and rejected in the case of Achilli. *There*, however, the evidence ran counter to a popular prejudice ; *here* it was in its favour : and for that very reason, even allowing it to have been admissible, the judge should have laboured to prevent its operating on the minds of the jury to eke out insufficient evidence of the crime of which it was supposed to supply the motive.

The existence of a strong and general feeling against Kirwan in Dublin is a fact which we are well aware of ; as also of the rumours that are circulated and credited of other crimes of the same deadly character, and of the unquestionable fact, that he is a man of violent and truculent character. And we shall at least prove our perfect impartiality in the matter by stating these two circumstances : that he was an active and virulent Orangeman ; and that his poor wife had been recently received into the Catholic Church. We care not, so far as our reasoning is concerned, whether he committed the crime or not ; nay, it would not in the least affect our argument, if we heard that he had *confessed* it. What we argue is simply and solely this, that there was not sufficient evidence to convict him ; and that he was convicted upon suspicion,—and that on a *prejudice* far more violent than the *presumption*. We appeal to any impartial person, whether he would have been convicted had there been no evidence of his previous *liaison*, or of his having had any quarrel with his wife ; and whether the feeling against this man is not likely to have prejudiced the jury. It is strong reason to suspect this, that in Dublin the verdict is generally acquiesced in ; whereas in England, removed far from local feelings, the impression is very prevalent (especially in the profession), that he has been improperly convicted ; and it has been so powerfully expressed and supported, that the Crown has granted a reprieve. The problem is fairly presented under these cir-

cumstances, and we have sought to solve it; a problem purely of legal proof, and of the force and effect of circumstantial evidence; and above all, the perilous risk of eking out presumptions by *prejudice* in cases where it exists. It is as an illustration of this, that we have especially felt interested in the case, as displaying the same fatal vice in another form which produced the miscarriage of justice in the case of Father Newman.

We have treated the case of Kirwan, an Orangeman, upon precisely the same principles as we would apply to the trial of Father Newman, or rather of Achilli. In the one case there was clear and cogent *positive* proof; in the other, slight and incomplete *circumstantial* evidence; yet in the former case the verdict was an *acquittal*, in the latter a *conviction*; and both alike through *prejudice*. We, of course, need scarcely say, that the prejudice in one case was vulgar, vile, and vicious; and in the other, rational, natural, and inevitable; but this only confirms our argument, for in proportion to the ground for a prejudice is the likelihood of its being acted upon, even by honest men; and our theme is, the *force of prejudice*.

---

### THE VILLAGE MONICA.\*

IT was a nest of English homes  
By open green and burn;  
Such scene as he that longest roams  
Sees not till he return.

A thousand hamlets shine as fair  
On England's bosom broad,  
But—one thing rare—the Cross stood there  
Of the true Church of God.

Seemed there all blessed things to meet,—  
England's fresh hue, free eye,  
Her peace, law, strength, and—oh, most sweet!—  
God's way to live and die.

Old friend, how I delayed to reach  
Thy garden's trellised door,  
Lest I should hear a stranger's speech  
In the dwelling thine no more.

\* A recent incident narrated to the writer by a priest cognisant of the facts.

“Sir, she is well, though bent her knee  
With palsy cold; but, sir,  
We pray you rest with us to see  
To-morrow’s change on her.”

“What mean you, friends?” Still they replied:  
“Just as these ten years past  
She holds on still, but the life-tide  
Is now to ebb at last.

God will not fail: for forty years  
She hath prayed on in pain,  
That He would brim her cup with tears,  
Nor loose her from life’s chain,  
Till He should conquer by His grace  
The fierce soul of her son;  
Now He hath looked him in the face,  
And the victory is won.

And she asked too, and made us ask,  
That the same blessed day  
That won him back might end her task  
And lift her soul away.

Three weeks ago the mission came,—  
Those holy saints of God,  
That have set every heart on flame  
Wherever they have trod.

Then on the evil man at last  
God’s sudden sunbeam smiled;  
He hath been to shrift these three nights past,  
And his soul is reconciled.

She, sir, as yet knows not a word,  
But to-morrow Sunday is,  
And when her son receives the Lord  
She will be called to bliss.

But not at morning hour with those  
That to Communion pass  
Will he go up: alone he goes  
At the high noon-tide Mass,

Before all people to proclaim  
That he hath turned from sin,  
And shew, mid mingled joy and shame,  
How God the lost can win.

After thanksgiving, sir, how soon  
Will not he homeward fly!  
And so we think, not long past noon  
She will prepare to die.”

Ah, the sweet faith with which was told  
 Their simple thought! even such  
 As drew forth power in streams of old  
 From His mere garment's touch.

And so it was. The King of Love  
 Entered the weeping man  
 Even at mid-day, while far above  
 New angel hymns began.

Twice struck the hour : I raised with awe  
 The latch, and glided in ;  
 A weak form on the couch I saw—  
 Two raised hands pale and thin—

And the prayers for a passing soul I heard,  
 Broken by tears and sighing,—  
 That son weeping out the Church's word  
 By the knees of that mother dying !

Then the tapers burned, and the Priest in his stole  
 Did the dread sweet rites fulfil ;  
 "I thank Thee, Lord," she said ; and her soul  
 In the arms of her God lay still.

R. M.

---

### Reviews.

#### MRS. CHISHOLM AND EMIGRATION.

*The Story of the Life of Mrs. Caroline Chisholm.* Trelawney  
 Saunders, London.

*Evidence before the Committee of the House of Lords upon  
 Emigration, 1847 and 1848.*

THE great moral law which regulates our social life declaring that by our fruits we shall be known, has made every man the centre of a circle within which his duties lie. Of those circles, some are wide, others narrow; but the amount of exertion required from those who are called upon to labour within their respective spheres is the same; because of every one it is demanded that he should exercise his entire powers, that he should work with all his heart and with all his strength. These circles are as numerous and as varied as the conditions of human life. They are ever shifting, yet ever the same. Within them the action of our being is carried on with motions combined, but never conflicting; inseparably associated, but yet distinct; rapid as the whirlwind, but with a measured regularity. They contract, they expand; they glow forth, and

again they all but disappear: each, though perfect in itself, is an essential unit in the great moral whole. They are like the stars of heaven, borne in their several orbits, but presenting to the careless observer an aspect of inaction: like them, when contemplated by a humble but inquiring mind, they astonish by their multiplicity and vastness, their confusion and distinctness, their elaborateness and simplicity, till we bow the head and lower the eye, and confess, "Surely there is one who has framed, and who directs the moral and the physical world—surely God is all, and man is nothing."

The first reward of the services of those who devote their energies to the good of others, is the expansion of their own circles of duty and of usefulness. When Mr. Nicholls first established himself in a retired rural locality, he quickly perceived the wasting effects of the poor-law system then in operation, and devoted his active mind to the consideration of the means by which its defects might be remedied. His exertions were at first confined to the parish in which he lived; and within that narrow circle he succeeded in carrying into effect most valuable reforms. The neighbouring parishes sought his aid, and formed a union, within which his wise and really benevolent principles were adopted. Pauperism diminished, poor-rates fell, morality improved, and industry bounded forward. It was found that whilst the expense of supporting the poor became less, the sources from which that expense was supplied became enlarged by the stimulus of industry and the application of capital in its proper direction. Mr. Nicholls, having tested his doctrines by experiment, advocated them by his pen. He continued to do "what his hand found to do." Public attention was attracted. He entered into correspondence with the government, which, after various promotions, at last placed him in Ireland in a high official capacity, and founded the Irish poor-law on his report. We are far from giving our assent to all Mr. Nicholls' doctrines; much less are we disposed to approve of the Irish poor-law, in which his most solemn admonitions and wisest precautions have been disregarded; but we cite the example to prove with what elasticity the sphere of usefulness expands before the exertion of him who works within it. Whilst he thinks, and writes, and acts, his own ideas become enlarged. He grasps the details, follows where his subject leads, and is guided insensibly onwards far beyond the limits which at first bounded his view.

Another result of individual exertion for the common good is the institution of combined action. Sympathy is strong within our hearts, a spark suffices to inflame it. No good man ever laboured long for his fellow-man unassisted: the

impulse of charity spreads as it were by contagion ; the careless and inanimate plodders along the paths of selfish life waken to a sense of their usefulness ; they shake off their sloth, and, recollecting that they are members of the great human family, join with a noble emulation in the work of charity. Nor are the consequences of a combination for good to be found less in the extent of services than in their durability, or rather their permanent progression. The good which an unaided man has done may die with him ; but if he has associated with, and, as it were, attracted to himself a body of fellow-labourers, he has organised a source of supply that lasts for ever ; the solitary impulse of an individual is perpetuated in an abiding system, and has proved the first germ of a co-operative continuity. The conquerors of the world pursue their course alone. They overthrow, or they sustain thrones ; they enthrall or liberate nations ; they excite admiration, fear, wonder ; they have no associates, they have only instruments ; they strut the stage, and die ; and what remains ? The weak have been made strong, and the strong have been abased. Power has been taken from the hands of those who abused it, and given to those who will abuse it again ; but, except in those rare instances in which the hand that acts has been guided by Christian principle, or restrained by Christian love, no permanent change has been effected in the general happiness of the human race. It is not so with the heroes of daily life : their course is silent, their progress steady ; they are strong because they are humble ; they succeed because they are disinterested ; they have drawn mankind nearer to his Creator by improving his social or his religious condition ; and they form part of that great chain of reformers who have ever worked in secret for the gradual amelioration of man.

These remarks have been suggested to us by the little work the title of which stands first at the head of this article, and which contains some account of one of the most remarkable women of modern times. Mrs. Chisholm's name is now well known both in private society and in the deliberative assemblies of England and the Colonies. Thousands are indebted to her for all that they possess of health, of hope, and of happiness. To estimate the effect of her exertions, two things, however, are necessary. We must understand the nature and extent of those social evils with which she has contended so bravely ; and we must become acquainted with the deplorable effects which have resulted from the neglect, on the part of governments and legislatures, of efforts such as those so successfully made by an unassisted individual, and that individual a woman.

It has been again and again asserted, that the great social disease of modern times is pauperism. Its moral consequences are even worse than its political. There is a wide distinction between poverty and pauperism. The Almighty, in his mercy, has done for the poor man what He requires the rich man to do for himself. He has taken from him, and distributed to others. He has diminished his responsibilities, lessened his temptations, and admitted him to the ranks of the "blessed poor," who, though naked, are bright with the glory of the promised favour of God. Poverty is not an evil; it should never be called a misfortune: when received with humility and hopefulness, when looked upon as a gift from on high, and accepted with gratitude, it can be not only endured but enjoyed, and will become, with the Divine blessing, the source of moral growth and of peace. Poverty is like the Cross, which to the infidel tells of nothing but suffering and ignominy; but is to Christians the emblem of salvation. On the other hand, the effects of pauperism, or poverty systematised by law, and supported by compulsory assessment, are very different. Poor-rates, paid without charity, and received without gratitude, have a tendency to make the rate-payers look upon the poor as their natural enemies; the more so because they must perceive that the remedy tends, not to the cure, but to the perpetuation of the disease. Voluntary charity moves on earth amidst the humble and poor, but her head is wrapped in the heavens:

"Ingrediturque solo, et caput inter nubila condit;"

but compulsory relief spreads like a foul cancer over the land. By its means industry is paralysed, true charity deadened, and morals are debased. Bad, however, as it is in principle, it would appear that a long course of ill-judged legislation has rendered it a necessary evil; and perhaps the most important office of a social reformer is now to devise and carry out the means of correcting its abuses. It is not denied that one prolific source of pauperism has been the disproportion between population and the capital available for the employment of labour. If such a state of things should be found to exist, the remedies are clear: they must consist in the increased supply of capital, or in the diminution of numbers, or in both, until the due proportion be restored; but in the treatment of the flood of misery lately poured over Ireland, more sudden, more inevitable, and more widely extended than has been known in the experience of the world, the government, whilst it has passed several salutary though insufficient enactments for the supply of capital, has wholly

neglected the promotion of a well-considered emigration. Our space will not permit us to enter at large upon the remedial measures of recent legislation. Some, which had the effect of introducing capital, or of setting it free, and employing it in its natural direction, have met with eminent success: the greater number, conceived without due deliberation, and executed without prudence or justice, have been already disposed of by the calm judgment of society. Let us hope that our rulers have at least learned the invaluable lesson that, when a crisis of pauperism supervenes upon a long system of misgovernment, the errors of past legislation cannot be repaired by a stroke of the pen, and that a famine cannot be met by the resources of a beggared country. Meanwhile the diminution of population, which ought to have been the first object of legislative care, has taken place unassisted; and that in Ireland alone to an extent of nearly two millions, or more than one-fourth of the entire people. Would to God that we could attribute this to emigration alone; but we cannot shut our eyes to the miserable mortality which has also taken place! That waste of human life is not to be measured by the number of deaths in Ireland alone. Multitudes who had clung to their homes until the last, flung themselves in a half-famished state into the passenger-ships. That fearful scourge, the ship-fever, broke out. Nothing could check its ravages upon their enfeebled constitutions. The numbers of those who died at sea has never been estimated; but when they reached their port the mortality increased. On the 16th of June, 1847, forty pestilential ships lay off Grosse Isle, the quarantine station of Quebec. The shores were white with long villages of hospital tents. The deaths were then one hundred and fifty a day. Boat-loads of infected wretches left the ships amid the loud lamentations of their kindred. Many died before they reached the shore. The contaminated bedding and clothing of the dead floated down the stream. The public hospitals at Quebec, Montreal, Toronto, Kingston, and Hamilton, were full to overflowing. Every town, even the smallest and most remote, organised its Board of Health, whose first duty was to provide a hospital, and whose second was to enlarge the public graveyards. The Catholic clergy, attending the sheds and hospitals, died in rapid succession. When in Toronto disease had so thinned the priestly ranks that none remained to do the duty of visiting the sick, it was undertaken by the excellent Bishop, who died of fever within a fortnight. Nurses for the sick could not be found. Their vacant places were filled by the nuns, of whom, in Montreal alone, forty-eight were at one time

prostrated by fever. In every port and in every city of the United States similar scenes occurred. The remote town of Buffalo contained at one time in its public hospitals no fewer than 1600 sick emigrants who had passed through Canada. Those even who survived the plague tottered along the streets and roads, in filthy rags, with earthy complexions. The objects of fear to every one, they sought in vain for employment; and it is but too probable had in many instances only exchanged a quicker for a more lingering fate. Much of this misery might have been spared, if the government had assumed, effectively and in time, the responsibility of directing emigration. Lord Grey indeed, in his dispatch to the Governor-General of Canada, dated December 1, 1847, took credit to himself for having refused direct assistance to an emigration which had entailed so much calamity; but he did not see that those sufferings had arisen, not from its quantity, but its quality. He had been long before warned by his colonial officers, and especially by that able and energetic man, Mr. Buchanan, the chief Emigrant Agent at Quebec, who himself subsequently was near falling a victim to the pestilence, of the dangers likely to arise; but, with the exception of a slightly increased grant for the relief of emigrants within the colony, no measure had been taken to avert them. The large expenditure incurred by the colonial government upon its own responsibility, which, if laid out *in time*, and under proper regulations, would have done twice as much good, was grudgingly repaid by the home government, with a condition annexed, that the amount of its future contributions should never exceed 1500*l.*, the sum necessary to pay the salaries of the emigrant officers. If a system had been adopted at home under which government assistance had been given to those only who must otherwise become of necessity a burden for ever on the taxation of the country;—if it had been given before their means had become utterly exhausted, and their constitutions impaired by starvation;—if, for the employment of emigrants, works in Canada of the utmost public importance had been undertaken, such as the great trunk railway from Halifax, towards which the colonial governments would have willingly and largely subscribed, and which would have enriched the colony, whilst they would have contributed to the stability and commerce of the empire;—if, in the meantime, proper precautions had been taken for the transmission of emigrants within our colonies to those places where they could get employment;—if those measures for the better regulation of passage-economy, of which a fatal experience has since compelled the enactment, had been the timely fruit

of a prudent forethought; and if proper superintendents, whether surgeons or not, had been appointed to every passenger-ship, who should have, whilst on board, the position and authority of emigrant agents, paid by the government; then, indeed, the state would have performed a paternal duty towards its people, and would have reaped its reward. The emigration which would thus have taken place would have been one almost exclusively of labour; the pressure of rates for the support of the unemployed able-bodied poor would not have been such as to drive capital out of the country and to prevent its coming in; the resources of the state, so prodigally wasted, would have been husbanded, or profitably directed; incalculable individual suffering would have been averted; and the wealth and security of our colonies advanced. We should have been a stronger, a happier, and a better people. There were not wanting many who laid these views before the legislature. They are to be found amply illustrated in the evidence before Lord Monteagle's Colonisation Committee of the House of Lords. But matters were allowed to "take their own course." The fatal fear of responsibility, in yielding to which a state refuses to perform its most important functions, and neglects its essential duties, prevented any thing from being done.

Let us now turn the page, and contrast with the neglect of vast and mighty communities, and the deplorable consequences of such neglect, the heroic exertions of one brave individual. Heroism such as hers finds its source and its support in religion; and we rejoice to know that the Catholic religion was the inspirer of efforts to which so many who hate the name of Catholicism are indebted. Fortunately for mankind, individuals are sometimes to be found in whom a glowing charity is united with an earnest and energetic will. Such persons are not scared by the bugbear of responsibility from attempting services whose fortunate issue they know to depend, not upon themselves, but upon a higher power. One of such is Mrs. Chisholm, who has well deserved the title by which she is known, that of "the Emigrant's Friend." She is thus described in the memoir,

"Mrs. Chisholm is a lady who is not rich, or related to any great people; but she has been engaged nearly all her life in helping labouring and poor people, by teaching them how to help themselves; and she has succeeded so well, that there are thousands who look upon her with feelings of as much affection as if she were their mother.

\* \* \* \* \*

"She has a husband, who has gone to Australia lately to help her good work, and six children; from morning until late at night any

man or woman, or young girl, no matter how humble, how poorly dressed, is welcome to come and consult her, and tell her their griefs. At breakfast, dinner, tea, and supper, she is at the command of the unhappy and distressed ; and when she is not talking, she is writing letters. For, beside all those in England who consult her, hundreds and hundreds of people in Australia send to her to get their relations out to join them. Mrs. Chisholm never asks what country or what religion any one is who comes to her ; but she just sets about to see the way of helping them to get out of their difficulties.

\* \* \* \* \*

“ She is a lady who has for a long time chosen to abandon the luxuries, even the comforts to which her station entitled her ; to wear stuff instead of silk ; to work hard ; to live hard ; to save, that she may spend on the emigrating poor.”

In this manner Mrs. Chisholm has lived and worked in England since 1846, at which time, having organised her system in Australia, she returned to this country to remedy at their sources some of those evils which she found most injuriously to affect the newly-arrived emigrants. Let us now examine the nature of her labours within the colony.

The causes which so long marred the prospects of Australia are very different from those which have affected Canada. Her distance, and the expensiveness of the voyage, have saved her from the calamitous influx of Irish pauperism, wasted by disease, and thrown out like ballast upon the shore, without even the resource of being able to labour ; but she has had to contend with evils perhaps more fatal, and equally attributable to the misconduct of the government. The dross and dregs of society, rejected by the mother country, deprived of all civil rights, stripped of the last remnant of self-respect, and utterly abandoned to the world’s scorn, have been the principal elements selected by the state for the foundation of her Australian colonies. After a short penal probation, these convicts became the servants, the labourers, and ultimately the settlers of the colony. No doubt many honourable instances are to be found of men who, though slaves, and slaves because they were criminals, had yet enough of virtue and of energy to accomplish their self-reformation, and to become prosperous and respectable. Many cases also most assuredly have occurred of innocent persons having been exiled, the victims of conspiracy or mistake. But, on the whole, the moral disorganisation of society which such importations must have produced can be readily appreciated. Add to this, that at no time was the supply of labour sufficient for the advancing requirements of the country. Its flocks increased by thousands ; but its capital remained useless and inert, from

want of labour. Thus, in one part of our dominions we saw capital thrown away by deficiency of population, whilst in another we beheld the people becoming a burden from deficiency of capital; and yet no effort was made to restore the balance. The complaints of the penal colonies against the compulsory introduction of convicts have been loud and incessant. Government has at different times been forced to yield to their urgency, but with a lamentable vacillation and want of good faith, has always failed to find an alternative, and fancied itself compelled to return to its former system. In 1836, when one of these illusory promises was first given, a remarkable effect resulted. The Memoir informs us, "The farmers and stockowners were very glad to hire emigrants; and the colonial government gave the owners of ships 20*l.* for every healthy man and woman, and a certain sum for every child of fourteen years of age, that they landed in Sydney, to pay the expense of bringing them."

In 1839, Mrs. Chisholm arrived at Sydney, having left Madras with her husband, an officer in the Indian army, and her children, for the purpose of recruiting their health. She found on her arrival that emigration, stimulated by the promised abolition of the convict system, was rapidly increasing; but that the new-comers were suffering much from the absence of proper arrangements in the colony.

"The single men and married people without children were engaged for shepherds very quickly; but there were a great many with large families, that the great sheep-owners did not care to be at the trouble of taking, and there were more young women than were wanted for servants in the town of Sydney; others were fit for the country work, or to be wives of hardworking small farmers, but not to be smart housemaids or ladies' maids.

"Now, as there are no roads scarcely, and as the governor of the colonies had not contrived to send the people who were not hired in the town into the districts used for feeding sheep, which extended two hundred miles back into the country, soon after Mrs. Chisholm arrived Sydney grew crowded with emigrants. *As for the young women, as there was no place to receive those who had not their parents, many of them fell into great distress, many into bad courses.*"

Most charitable people, in Mrs. Chisholm's situation, would have contented themselves with relieving as much distress in isolated instances as their spare time or spare cash permitted; but this admirable woman, with that masculine good sense, that far-seeing benevolence, and that fearless self-devotion which have characterised her whole proceedings, determined to strike boldly at the root of the evil. She resolved that thenceforward all her energies, all her resources,

should be applied to the furtherance of emigration and the improvement of the emigrant's condition. She was a woman,—unknown and unfriended. The difficulties in her path appeared almost insurmountable. What could she do, without money, without influence, having to contend with the impracticable nature of the country,—the remoteness of the settled farms, where she was ultimately to place her clients,—the structure of Australian society,—and, worst of all, the vices of those whom she sought to serve? But Mrs. Chisholm was not to be deterred even by obstacles which had frightened a government.

“As nobody else seemed inclined to take any trouble for the poor girls, she wrote to the Governor, and offered that, if he would give up a place for them to live in, she would go and live with them, and take care of them, and protect them, and try to get them places, and do this without any fee or reward. At first, instead of being grateful for this offer, no notice was taken, and many people opposed her and ridiculed her, and said she was only trying to get a good job for herself; but she persevered, and at length, in 1841, the Governor agreed, on condition of Mrs. Chisholm signing a paper undertaking that the government should be put to no expense, to give up as a ‘Home’ for the destitute young women part of a large empty wooden building; so she left a pretty cottage, all covered with vines and passion-flowers, with a beautiful garden near Paramatta, where she was living with her three children, for Captain Chisholm had been obliged to return to his regiment in India, and, in order to take care of the poor emigrant girls, went to live in an old store-room, seven feet square, without fireplace, infested by rats, which served her for bedroom and parlour, where she could always have her eye on the girls.”

This experiment met with great success. The value of girls so brought up and instructed became quickly understood; they were eagerly sought for, and “hundreds who would, without her, have gone on the street, were first protected, and then placed in situations where they earned good wages, and generally got married.”

Mrs. Chisholm did not confine her care to persons of her own sex. She opened a register for those who wanted servants, both male and female; and drew up a form of agreement between the employer and employed, so wise and practically useful, that, as we are informed by her biographer, out of some thousand engagements which she made, only three were ever disputed.

But, as we have already remarked, the more she laboured, the more widely her sphere of duty expanded before her. The numbers of those who applied to her to find situations for them increased enormously, and the pressure upon her

“home” became the greater from the natural reluctance of the young girls to leave such a guardian, and to undergo the dangers of a journey into the interior, even when they had been offered situations. She now perceived that the time had arrived when, the fearless missionary of civilisation, she must herself lead forth her band of pilgrims into the wilderness. None have ever undertaken the task with a purer disinterestedness or more steadfast energy than Mrs. Chisholm. Others, however exalted their motives, have seldom been free from the alloy of human pride and ambition; but whilst she undertook all the dangers, all the responsibility of a nomadic leadership, she had no hope of power, no expectation of permanent authority. She dropped her subjects here and there as opportunities offered for their settlement, till by degrees her little community was dissolved, and no tie remained except that of gratitude. Her mode of proceeding is thus described:

“To settle the timid young women, she determined to go with them herself into a fine farming district called the Hunter’s River. Accordingly, at her own risk and expense (this expense she was afterwards paid back by the girls), she took sixty young women in a steam-boat, and afterwards in wagons, found capital situations for them at double the wages she could get in the town, and she established four branch homes under the care of respectable people. She made several journeys in different directions, and established six branch homes. She went from farm to farm, getting them places in service. In her evidence before the House of Lords she says: ‘My plan was always to get one placed. Having succeeded in getting one female servant in a neighbourhood, I used to leave the feeling to spread. With some persuasion I induced a man to take a servant, who said it would be making a fine lady of his wife. The following morning a neighbouring settler said, ‘You are quite upsetting the settlement, Mrs. Chisholm; my wife is uncommonly cross this morning, and she says she must have a servant, and I think she has as much right to one.’ It was among this class that the girls married best. If they married one of the sons, the father and mother would be thankful; if not, they would be protected as members of the family. They slept in the same room with their own daughters. I have been able to learn the subsequent progress in life of many hundreds of these emigrants. Girls that I have taken up the country, in such a destitute state that I have been obliged to get a decent dress to put upon them, have come again, having every comfort about them, and wanting servants. They are constantly writing home to get out their friends and relatives.’”

It would appear, that in her first excursions Mrs. Chisholm took charge only of young women, and that her assistance to male emigrants was only of a pecuniary kind. We

are told, that to enable young labourers to proceed to the interior, she advanced large sums of money, having more than once paid in this manner 40*l.* in one night; and it is an equally honourable proof of their honesty and of her discrimination, that, out of hundreds of pounds so advanced, she lost in six years only 16*l.*,—and that by the deaths of those to whom she had made the advance. “But she soon saw that it would be a good thing to take families and men into the interior, where wages were high, and many small farmers wanted to hire one or two servants, who could not afford to spare the time to travel a hundred miles to engage them.” Before she undertook this task, like a prudent general, she arranged her commissariat, by writing to the more wealthy settlers throughout the country where she was about to lead her little army, explaining to them the objects of her journey, and soliciting supplies of food. In a state of society such as exists in the interior of Australia, such supplies are not difficult to be procured; and, as we are assured, “her appeal was nobly answered.” The description of her progress is truly graphic:

“ She put the women and children in wagons, and made the strong men walk, and mounted a good horse herself, and rode out into the country at the head of a great party to find employment for them. They used to start at daylight, and march on to the first place where there was likely to be any servants wanted; she left some at each farm where they were wanted, and the farther they went the better wages she got for them. She only left single girls with married people. At every farm the farmers were ready to subscribe plenty of flour and tea, sugar, beef, mutton, and potatoes, to feed the party. She has taken as many as two hundred souls at one time, all marching through a wilderness, like the Israelites of old when they marched towards the promised land. At noon they used to halt, make a fire gipsy-fashion, boil the kettles, make cakes and frizzle meat, then set out again, and at night made a camp under blankets, if they could not find a hut where the women and children could sleep. After some time she got into the way of travelling in a light covered cart drawn by two horses, tandem fashion, and when she came to any difficult place, or wanted to gallop on to look for suppers or situations for her party, she unharnessed the leader and put a side-saddle on him. In the covered cart she slept at night with the young children.”

Such was the mode in which this Hagar of the nineteenth century led her little family into the desert. She appears to be singularly well fitted, by her habits of life and powers of physical endurance, for the duties she undertook, and so nobly performed. Her skill as a horsewoman is exemplified by the following anecdote:

"One day a gentleman, travelling through the wild land of the interior, found Mrs. Chisholm standing on the far side of a swampy ford over a river, a party of emigrants being encamped on the other side. She was calling her docile horse across with two children slung on his back. As soon as he had landed with the children slung on his back, she drove him back with a wave of her hand,—another load, then called him again, and so on, until all the young things had crossed; for she is a famous horsewoman, and can make her horses do almost every thing she wishes, except talk."

The settlement of female labourers was, however, productive of results more important to the ultimate well-being of the colony than the mere supply of necessary labourers. In her evidence before the Lords' committee Mrs. Chisholm says:

"I should not feel the interest I do in female emigration if I did not look beyond providing families with female servants—if I did not know how much they are required as wives, and how much moral good they may do as wives."

There was, indeed, one responsibility which she was too prudent to incur, that of recommending particular girls as wives to individuals, though frequently requested to do so by the bachelors of the bush, who looked upon a wife as a matter of abstract utility. In this respect she thought it more consonant with a wise economy to introduce a good commodity into the market, and let it find its own customers. We cannot refrain from quoting the following *morceau*:

"One morning, very early, a stout, rough fellow, in a broad-brimmed straw hat, and red flannel shirt, and fustian trousers, with a three weeks' beard on his chin, ran to the horse's head, crying 'Hold hard a minute, hold hard!' She thought at first it was a bushranger. 'What do you want?' she cried. 'Want! want! why, what every single man wants when he sees Mrs. Chisholm. Come, ma'am, do look up that hill: see that nice cottage, and forty acres under crop; and I have twenty good hams and flitches of bacon hanging up in it, and a chest of tea, and a bag of sugar; the land is my own, and three such cows, it would do your heart good to see: and look here, ma'am, at this roll of notes—these are the things to hasten the matter, and get the clergyman here. Come, now, Mrs. Chisholm, do be a mother to me, and give me a wife. The smile of a woman has never welcomed me home after a hard day's work. You'll have pity on me; you'll never be so cruel as to say no. It makes a man's heart light to look at your camp. You don't mean to say you have not got a nice girl to suit me. It's not a fine lady I'm wanting, but a decent hard-working girl. If she had not got a second gown to her back, and you recommended her, that is enough.'"

We regret that our space will not allow us to relate more

of the romantic incidents in which this unpretending little publication abounds. They all evince the active benevolence, sound practical sense, and indomitable perseverance of this excellent lady, the success of whose exertions is proved by the fact that, by her means, within the space of seven years, no less than eleven thousand individuals were placed in circumstances of comfort and respectability.

But, as the benefit derived by the mother country from emigration is not to be measured merely by the number of persons removed from an overcrowded state of society, but their character and position must also be taken into account; so, however urgent may be the demand for labourers in the colony, it is of paramount importance that those who are introduced may be such as will conduce to the ultimate well-being of the young country; nor ought the precautions necessary for the attainment of this object to be neglected, even though they should tend, at first, to diminish the required supplies. A rapid system of colonisation is not necessarily a good one. The experience of the world has proved that a colony cannot always continue in a state of dependence. It has also shewn that when the connexion between the parent and the offspring has been severed, friendly relations and commercial intercourse, as between two independent states, will prove infinitely more productive of mutual benefit than the continuance of a forced authority. This circumstance involves another consideration, and one of supreme importance. It is the duty of a nation, in planting a colony, not to confine her views to her own immediate or ultimate advantages, but to recollect that she is exercising a high trust for the benefit of mankind; and that she ought so to exercise it, as will best promote not civilisation only, but Christianity. A colonising country has, in fact, three characters to fill—that of a natural parent towards her own people, that of an adopted mother towards her colony, and that of a missionary as regards all mankind. If this threefold duty had been steadily kept in view from the beginning, that would have been accomplished in the attainment of universal peace and prosperity, which the wild dreams of peace associations can never realise; the unemployed poor of England and Ireland would not have been thrown like waste lumber upon other shores, the forlorn outcasts of a society which refused to feed them. They would have been looked upon as persons who had obeyed the laws, supported the institutions, and contributed to the strength of their country, so long as circumstances enabled them to do so. They would have been regarded as British subjects, entitled to draw upon the resources of the empire; and such care

would have been taken in arranging the due economy of emigration, and in providing for their support in the colony until they became able to provide for themselves, as would have shewn that Government did not suppose that it could throw off its responsibilities as soon as its people migrated from one portion of the empire to another. Again, no miserable attempt would have been made to lay the foundations of a future society upon a refuse and outlawed population, such as existed in Australia almost exclusively until 1836. Even if, which we by no means admit, the social needs of the parent country had required the expatriation of offenders, the process would have been conducted with such precautions as to prevent the demoralisation of society. It cannot be denied that it is for the interest of England to enable her colonies to undertake the responsibilities of self-government, and to learn, as soon as possible, the value of those free institutions which give life and vigour to a state; but it has been practically overlooked that, in order to exercise such duties safely, the new population must be religious, orderly, sober, moral, loving their country, and strong in mutual respect. Out of such elements, and out of such alone, can arise a new nation, great, wise, and respected, whose strength will be the strength of her parent.

The attention of a government in regulating emigration ought to be directed, 1st, to the selection of proper emigrants, and this may be done either directly or by indirect means; 2d, to the preservation of their health and morality during the passage; and 3d, to a due provision for them on their entry into the colony, and to such assistance as may enable them to help themselves. The first and third of these duties have been all but entirely neglected by the legislature. The regulation of passage-economy has been altogether of a recent growth; and, notwithstanding the many amendments of the Passengers' Act, the value and humanity of which we readily acknowledge, the whole system remains ineffectual so long as there is not in every emigrant vessel a superintendent possessing the powers of an emigration agent, and paid by the State. It is an evident absurdity to expect that the surgeons of passenger vessels, receiving their emoluments from the owners or charterers, will detect and punish the delinquencies of those to whom they are indebted for their subsistence; and yet such a check is more important for the interest of emigrants than even their medical aid. They should hold a position altogether independent, as well of the owners as of the officers. Let us now see how these important functions have been undertaken, not by the government, but by the enterprise and humanity of an individual.

An experience of seven years had convinced Mrs. Chisholm that, for the success of her enlarged views, it was necessary that she should proceed to England and organise her system at the fountain-head. She had not long arrived before she planned and put into operation her "Family Colonisation Loan Society." A short sketch will explain its nature and principles. An intended emigrant to Australia, wishing to become a member, must first

"send in two testimonials or certificates of good character, accompanied by an entrance fee of one shilling. The name will then be entered on the society's books. When a considerable portion of the passage-money has been paid in, by weekly or monthly instalments, if preferred, an application for a small loan can be made, and, upon the necessary inquiries being satisfactory answered, such loan will, no doubt, be granted, providing the committee have funds at their disposal. As a security for this loan, emigrants are required to sign an agreement, previous to receiving their embarkation orders, that they will refund such loans through the instrumentality of agents in the colonies, within one year after their arrival in said colonies, or sooner, if possible, in order that the money so paid may be re-lent to others in like manner; while the borrowers can nominate their own relations and friends for a passage and a loan equal to the sum refunded by them, provided the person so named meet the approval of the committee." Thus, "relatives and friends, now separated, some being in England, others in Australia, when they are unable to pay the sum required for their passages, may *jointly*, in both countries, make weekly and monthly deposits, until they have, by their *united* efforts, raised the necessary amount, which, with the aid of a loan from the society, may enable such parties to emigrate. In like manner, parties in England anxious to emigrate, and who cannot at once pay the required sum, can make weekly and monthly payments towards their passage, either through the committee or local agents. If there happens to be a family with some grown-up children, not possessing the necessary means to emigrate, one or two of them may precede the rest to the colonies, and, through the mode of the reunion of families, contribute to the emigration of the remainder of the family. The regulations of the society do not admit of the separation of man and wife, or of children without the consent of their parents."

When the preparations for the voyage have been completed, and the day of sailing fixed, the emigrants are divided into "family groups," each containing twelve persons, who meet together on several successive Monday evenings under Mrs. Chisholm's personal superintendence. This "group" arrangement continues during the voyage, and is so constructed as to provide for the protection of friendless females and orphans. A pledge is then exacted from the emigrants binding them to the punctual repayment of the loans, and to obe-

dience to the regulations for preserving health and enforcing order and morality during the passage. These regulations are conceived in the true spirit of humanity and good sense. They provide ventilation far superior to that required by the Passengers' Act; they secure a sufficient supply of well-cooked food; they require the proper separation of classes and sexes; they provide for the election by the "groups" of a committee of six, to hold office for one month, which is to be responsible for the preservation of order and cleanliness, and through whom all complaints must be forwarded to the surgeon or captain; above all, they assign to six females, selected by Mrs. Chisholm, the matronly charge of all young females; and thus supply, in some measure, by voluntary subordination, the want of due official superintendence.

This scheme, which is as efficient as it is simple, applies a remedy to many of the evils we have adverted to. Two safeguards are obtained for the proper selection of emigrants, by the requiring of certificates of character, and by the payment of weekly or monthly instalments, before the loan is granted; by which the parties are proved to be possessed of forethought, thrift, and steadiness of purpose,—qualities so essential for success as an emigrant. The loan system, and its extension in favour of those who, having themselves emigrated, are willing to pay instalments to assist the emigration of the rest of their families, sustains that domestic tie which is the best pledge for good conduct, and the strongest incentive to industry. The "group" system admirably preserves the domestic principle, and extends it beyond the limits of a family circle. A social intimacy continued throughout an Australian voyage is not likely to be forgotten in the new country; but will there be productive of mutual esteem, mutual confidence, and mutual support. The emigrants will have perceived during the passage the value of regularity and obedience. They will have also learned a useful lesson in self-government. Their hearts will expand as they step upon the vast field open to their exertions, and they will apply themselves to their several pursuits with the more hopeful energy, because they feel that they belong to a society which has trusted to their honour, and which will be enabled, by their industry and punctuality, to restore to them in a short time some relative or friend who has been unable to accompany them.

At home, too, the exertions of those who have been left behind will thus be redoubled. They will have the strongest inducement to be industrious, frugal, and moral, that they may contribute their share of the necessary funds. They will still look upon themselves as members of one family with

their absent brethren, working, if not together, at least for a common object; and when they too succeed in obtaining their passages, they will feel that they owe it to Mrs. Chisholm that those whom God placed together, poverty has not for ever disunited.

The present circumstances of the colonies rather increase than diminish the need of a system such as we have described. The recent discoveries of gold in Australia, and the immense numbers thereby attracted to that country, render it doubly necessary to remodel the system of emigration, and to attend to the moral government of the colonists. The sudden crowding of multitudes into a narrow space, and necessarily without a due restrictive power would of itself, be productive of much disorganisation; but, apart from this, it would appear that large and successful gold-mining operates too often upon society as a poison. All acquisition of wealth has a natural tendency to sap moral and religious principles; but when it is the gradual result of patient industry, it supplies, on the other hand, antidotes to the disease. We become slowly aware of our increased responsibilities; as our position in society is raised, new duties meet our eye, which public opinion, if no higher motive, compels us to perform: objects and aims of public utility rise up before us, to which we devote our increasing store; and social intercourse encourages us and keeps us steady to our purpose; our families surround us, depending upon our exertions for their prospects in life; the poor are near us and call upon our charity. Not so with the gold-miner,—his wealth is sudden and inebriating. He stands alone, and has but one object, to be rich. There is nothing to mitigate his selfishness, or to diminish, by diffusing it. Those who surround him are as selfish as himself: human sympathy is no more; gold becomes his idol, and a sordid pursuit grows into a fanaticism.

Such are some of the evil results produced by gold-seeking within the narrow circle employed in the pursuit; results to which the brief annals of California already bear witness. We do not think it necessary to advert at length to its general effect upon the colonial labour-market. The great vacuum thus produced will be rapidly filled by emigration, not from this country only, but from all quarters of the world, however differing in customs, in laws, and in religion. This circumstance makes it the more necessary to remember, and to remember in time, that, if our colonies are to be a source of advantage to the mother country while the connexion between them lasts, and if, when it shall cease, they are to take that place amongst the nations of the world, which, as the daughters

of England, they ought to hold, no time is to be lost in shaking off our blind indifference, and awakening to the necessity of guiding from our shores a purified stream of emigration, the worthy germ of a great people. That stream has been swelled by circumstances into a torrent that almost defies a guide ; but it will again subside ; and if the exertions of one noble-minded individual be energetically seconded and wisely imitated, England may yet have to acknowledge that she owes much of the prosperity and perhaps of the permanence of her colonial empire to Mrs. Chisholm. The relations of colonisation to religion are of yet higher importance than those in which it stands to the social well-being of society. On this subject, however, our present limits forbid us to enter.

---

#### MONEY AND MORALS.

*Money and Morals : a Book for the Times.* By John Lalor.  
London, John Chapman.

IF a man were to dip into this book in ten or a dozen different places quite at random, with the view of getting a general idea of its contents, and deciding whether or not he should commit himself to the task of a regular perusal, we think the chances are ten to one against an affirmative solution of the problem. A glance at the headings of the various chapters—or *capitula* rather, for the work is divided and subdivided almost endlessly—would create an impression that it was a performance of the most superficial and desultory character, a kind of commonplace book, being written in fact *de omnibus rebus et quibusdam aliis*. We extract a few samples for our readers' benefit, that they may be able to judge for themselves: threefold aggregate of money; present state of agriculture; English views of the *coup d'état* in France; real incidence of taxation; duties of landlords; French protectorate of Tahiti; supply of cotton; practical argument for Christianity; manning of the navy; the new gold; Mr. Newman; socialism on the continent; the Irish people and their priests; Mr. Macaulay at Edinburgh; inevitable decay of Catholicism, &c. &c.

There is certainly a wonderful *variety* in this bill of fare, though it does not so easily appear how the different articles are to be arranged so as to produce a pleasing and consistent whole. We cannot deny, however, but that Mr. Lalor has succeeded in this difficult task far more than we at all anticipated when first we took his book in hand. The only part

in which he seems to us to be really rambling and unconnected in his argument is the third, where he is certainly unequal to the task which he has undertaken, viz. the pointing out of the remedy (or as he more modestly expresses it, the path to the remedy) of the evils which are so clearly and forcibly stated in the preceding parts. We have no intention, however, of closely analysing the structure of Mr. Lalor's book, nor have we directed our readers' attention to it for the sake of finding fault either with its subjects or their arrangement. On the contrary, we have referred to it for the sake of the masterly and earnest exposition which it contains of the moral and social evils to be apprehended from the intensity of the commercial spirit now prevalent in this country; an exposition, in which every Catholic will heartily concur, of evils to which Catholicism alone can supply an effectual remedy.

The drift and moral of the whole book we should be inclined to state in the Apostle's words, "The desire of money is the root of all evils;" and though we do not observe that Mr. Lalor has himself quoted this text, he has selected others not less appropriate, and placed them in a very conspicuous position. On the title-page we read, "Ye cannot serve God and Mammon;" as a motto to the first part (entitled "Dangers," and consisting of a hundred and twenty pages), "Take heed and beware of covetousness; for a man's life consisteth not in the abundance of the things which he possesseth;" to the second part (entitled "Precautions," and running to about the same length), "Make to yourselves friends of the mammon of unrighteousness;" and to the third and concluding part ("Path to the Remedy;" less than half of either of the others), "Every kingdom divided against itself is brought to desolation."

This last text is not so happily chosen; but would that the other three could be emblazoned in letters of gold on the walls of all the Banks and Exchanges in the great cities of the empire, and penetrate with the power of fire into the hearts of all the merchants who frequent them. Then, indeed, we should feel far more hopeful for the future of this country; hopeful not only of its improved social and political prosperity, but also of that infinitely higher blessing, its return to the ancient faith. As things are at present, we cannot read without apprehension the words of Bacon, "In the youth of a state arms do flourish; in the middle age of a state learning, and then both of them together for a time; *in the declining age of a state, mechanical arts and merchandise.*" We are even inclined to think that Mr. Lalor cannot justly be charged with any exaggeration, when he says that "England is in deadly peril, in greater peril than she ever yet was from the hostility of foreign

enemies, solely because of the intense and unremitting efforts of her most enlightened classes to increase their command over the products of labour;" and we heartily agree with him in thinking that this increased eagerness in the pursuit of wealth, accompanied (as he says it is, and as facts seem to demonstrate,) by relaxation in the tone of commercial morality, is a tendency which "should be held in check and controlled by every instrument of moral, literary, or legislative influence which may be found effective for the purpose." At the same time we are intimately convinced that there is but one influence which ever can be effective, and that is the influence of the Catholic religion, a religion which enforces the duty of self-denial, which esteems poverty above riches, which teaches its children that it is both an imperative duty and a blessed privilege to give abundant alms according to their means, and whose common reproach it is that the countries in which it is professed are notoriously behind the age, have not kept up with the rest of the world in the race of modern civilisation. This subject was fully treated of some time since in this journal,\* and we cannot now insist upon it anew. We are anxious to let Mr. Lalor speak for himself as to the miseries and the dangers which beset the social condition of this country in its present condition, feeling confident that not only every good Catholic, but even every Protestant who has a tolerable knowledge of the principles and the practical effects of the Catholic faith, will at once recognise in it the only sure and permanent remedy. It is, *in fact*, the very remedy Mr. Lalor proposes, only that he calls it by another name: sixteen years of "formal connexion with the Unitarian body, notwithstanding some differences from the views commonly held by Unitarians," having apparently blotted out from his mind all remnants of his "early education in the Catholic Church."

Our readers would not thank us if we were to undertake an analysis of the various economical problems which form the subject of the First Part of this work; they will care more to hear about the "morals" than the "money" part of the question; and on this head we shall proceed to quote some of the most interesting passages.

"Popular political economy has settled itself in many minds as a *moral* code, by which it is assumed that both nations and individuals are to regulate their conduct. . . . The fundamental supposition upon which it rests is this, that man acts steadily from a desire to obtain as much wealth as he can with the least sacrifice, and that buying in the cheapest and selling in the dearest market is to be the supreme

\* Rambler, vol. iv., p. 167.

rule of human action. . . . It is assumed that the steady pursuit of wealth, because it is better than the reckless indulgence of the animal appetites, is to be dealt with as the final and most desirable condition of man, and is to furnish the standard to which all moral requirements are to be lowered. This assumption, however, is really nothing less than that deification of an evil principle which the Christian Church was once wont to denounce as the worship of Antichrist.

“ It appears to me, that, within the lifetime of the present generation, acts have been perpetrated in the name of political economy which would not be at all too strongly characterised by that ancient language of the Christian community. It happened some years ago that certain landlords in Ireland became convinced that certain portions of land, if held by single farmers with capital, would yield more produce and more rent, for a given amount of labour, than if each were divided amongst a considerable number of families. The conclusion, under certain circumstances, was a truth as reliable as any known astronomical fact which governs the compilers of the Nautical Almanac. But then came its conversion into a rule of action, the tacit assumption being, that that procedure which would yield the greatest amount of wealth was legitimate, and might be adopted in disregard of every other consideration whatever. Portions of land, accordingly, which were in the occupation of several families, were, according to the common phrase, *cleared*, with a view to the consolidation of the holdings. In many cases, parties whose fathers and grandfathers had worn themselves out in toil upon the same land, and who clung to it, not only from affectionate remembrance, but because there seemed nothing else in the wide world between them and starvation, were thus removed, sometimes with violence, their houses being burned or pulled down to expel them, always with heart-rending grief, and with parents bedridden, and wives or children, as often happened, lying in fever, cast out upon the roadside, either to perish speedily by the merciful dispensation of Heaven, or to be spared for the endurance of such wretchedness as none but the homeless know. Those acts were done in reliance upon a certain economical truth, which it was assumed might be taken as a rule of action. For my part, I admit the truth, with some limitation, and have no doubt that the means taken to produce increased wealth were successful. Yet I entertain a firm conviction, that the perpetrators of those deeds will have to answer for them before the bar of the Eternal Justice, as surely as the veriest wretch that ever expiated his crime upon a scaffold. The strong affections which were entwined around those ruined thresholds and extinguished hearths, and which were rent asunder by such measures, had grown up by the action of far more sacred laws than any which the science of wealth interprets.”

We need not say how heartily we coincide with this judgment upon those Irish landlords who have been induced to

substitute a four-footed population for the old occupiers of the soil, merely because they promise to be a more peaceable and profitable tenantry, "paying high rents with great regularity, and requiring neither poor-houses nor priests." The following remarks, too, upon the structure of society in Lancashire are valuable and important :

" Those districts present the peculiar spectacle of a small and very wealthy class standing apart on a great height, far above the level which is occupied by the rest of the population. The connexion between the two consists wholly of those harsh and cold pecuniary links which have never yet had time to become clothed with the soft and warm interlacement of affectionate moral associations. The work carried on by the two parties is essentially one of co-operation ; but their moral attitude towards each other is much more one of hostility than one of friendship."

Elsewhere he describes this relation in still stronger terms ; but we wish we could add that there was any reason to think them exaggerated. He is speaking of that feature in our social condition with which from time to time we are so unhappily familiar, under the name of " strikes ;" and he says :

" It is truly wonderful that observing men are not often startled and dismayed by the indications of social danger which every one of those transactions furnishes. The broad fact which every such contest makes apparent is this, that in the region of most active industry society is split into two hostile camps, and that the only tranquillity which subsists between them is that of a convenient but hollow truce, which may be broken at an instant's warning."

It is true indeed that Mr. Lalor considers that this " new feudalism," as he calls it, this new system of relations between the capitalist and the labourer, which the development of English manufactures has called into being, is *capable* of being made a higher form of society than the old, that there is in it " a far greater capacity for the whole community to attain a grade of social elevation never before reached by a working class ;" and he thinks that nothing is wanting but *time* to clothe the present frightful skeleton with flesh and blood, and to give it those features of stability and those " affectionate moral associations" which were so striking a characteristic of the older system. Here, however, we must take leave to differ from him *toto cælo* ; it is not " time" that is wanting, but the religious principle, by which alone such features can be produced ; and, as we shall presently see, Mr. Lalor himself elsewhere seems to be conscious of this truth. Time of itself can only increase the evil ; " the law of nature which makes one man rich and another poor, tends to make the first richer and

the second poorer every day that passes by." What Carlyle saw and deplored twenty years ago, we see to-day in still more gigantic proportions; and it is daily increasing and intensifying itself more and more, until the most enlightened statesmen tremble at the thought of how it will all end. "Wealth," said the author referred to, "has accumulated itself into masses, and poverty also in accumulation enough lies separated from it; opposed, uncommunicating, like positive and negative poles;" and this is the process that is going on at this very moment, and must continue to go on, as long as the pursuit of wealth is the all-engrossing object of our "most enlightened" classes. Meanwhile, what is the moral and social condition of the great mass of the people, measured not by the standard of riches but of happiness? There are not wanting a number of noisy orators and shallow scribblers, who vie with one another in vaunting to the skies, not only the material wealth and the political institutions of this country, but also the high privileges and superior happiness of the English people, and who do not hesitate to brand the population of Catholic countries with the opprobrious titles of beggars, slaves, and barbarians. Even our present author considers that we are "a people more favoured than any that has yet been permitted to look upon the light of the sun." Be it so; then let us turn to the other side of the picture as painted by the same artist, and see what use we have made of our advantages; if the result is any thing but flattering and satisfactory, it may suggest a suspicion perhaps that something is still wanting, and *that* something the most necessary ingredient of all.

"The condition of the bulk of the middle classes was depicted in 1833, by Mr. Gibbon Wakefield, in one condensed phrase, the 'uneasy classes,' the truth of which every body acknowledged. This is the normal condition of society in England; . . . men of all classes 'uneasy; ' anxious to find secure employment, seeking to rise, still more fearing to fall. . . . Since the last war this state of things has only been interrupted by those well-known decennial bursts of speculative and ultimately disastrous excitement, described with such concentrated power and awful truth in the following words of Lord Overstone: 'The history of what we are in the habit of calling the state of trade is an instructive lesson. We find it subject to various conditions which are periodically returning; it revolves apparently in an established cycle. First, we find it in a state of quiescence; next, improvement, growing confidence, prosperity, excitement, over-trading, convulsion, pressure, stagnation, distress, ending again in quiescence.' Think for a moment of the import of the fact, that what these words describe is the life, the habitual life, of a people

more favoured than any that has yet been permitted to look upon the light of the sun."

Mr. Lalor may well exhort us to think for a moment on this startling fact; it is well worthy of the deepest reflection; the boasted happiness of Englishmen resolves itself into a state of things that can be best described by the word "uneasy!" Certainly we are no admirers of stagnation and indolence; nor can the Catholic Church, either of the middle ages or of our own day, be rightfully accused of encouraging these things; but we confess we do not think a people could justly be blamed for preferring the life even of a Neapolitan *lazzarone* to the "uneasy" life of an Englishman, as described by Mr. Lalor. The increase of happiness in this country seems to be in an inverse ratio to the increase of riches. The immense development of material interests and the accumulation of money in the hands of the few has brought along with it a corresponding augmentation of anxiety and misery in the homes of the many, until at length all thoughtful persons are painfully conscious that, if we would avert impending ruin, some remedy must soon be found to supply the deficiency in our social organisation, between gigantic wealth on the one side and an abyss of pauperism on the other. What, then, is this remedy? Let us hear Mr. Lalor on this point:

"The remedy is plain; no legislative nostrum, no ingenious device of the socialist proprietor for enabling evil hearts to carry out the divine law, no novel stimulant to make an empty life supportable; no, something homely, old, and familiar, but often tried in individual cases, and always found effectual, *practical Christianity*. . . . An inward change is what is wanted, if that could only be brought about. For in this great English people it is the functions of the heart that are disturbed, and the brain, unconsciously yet closely sympathising therewith, wanders, and cannot find rest. In a word, our specific malady at this present time, notwithstanding our active but rather noisy philanthropy, must be described as an aversion of the national heart to practical Christianity."

These words are full of meaning; most heartily do we subscribe to their truth, not indeed in the sense in which their author has used them, but in their full, proper, and only real sense. For what is practical Christianity but Catholicism? and what is there to which the national heart at the present day is so averse? Our countrymen are ever ready to take up with new devices and ingenious plans, and to try fresh experiments; but they have resolutely set their faces against a return to what is old; and in proportion to the tenacity with which they adhere to this resolution is the certainty of their

national ruin. Mr. Lalor indeed dreams that he sees tokens of "the inevitable decay" of Catholicism, and finds fault with Mr. Macaulay for foretelling its eternal duration; but Mr. Macaulay is the wiser prophet of the two, and Mr. Lalor would do well to study more accurately the religious phenomena that are going on around him, and in particular to weigh the full import of that test which he himself proposes, viz. that the remedy must be something "homely, old, and familiar, *often tried in individual cases, and always found effectual.*"

---

#### TENNYSON'S ODE ON THE DEATH OF THE DUKE OF WELLINGTON.

*Ode on the Death of the Duke of Wellington.* By Alfred Tennyson, Poet-laureate. Moxon.

THE late Mr. Froude had a theory about Virgil. He held that the Mantuan poet, whose taste instinctively led him to babble of green fields, and whose legitimate sphere was the tranquil, the elegant, and the retired, had been set by his friends upon composing something heroic and historical, to bring him into more prominent notice at Cæsar's court, and advance him as a man of the world. He must fling away his oaten pipe, and launch (even *invitâ Minervâ*) into an Æneid; for the imperial chair was now occupied by a descendant of Iulus. Bucolies and Georgies were all very well in their way; but they were sad unprofitable stuff in stirring times.

A like fate we conceive to have befallen Mr. Tennyson. That one who used so emphatically to "wander at his own sweet will" over every subject that met a very discursive fancy, should now be tied to a throne by a withe of laurel, and wear his chaplet in crape one very court mourning, is a thing anomalous to the minds of beholders. It reminds one sadly of the old fable of Pegasus yoked to the plough. Daphne transformed into a bay-tree is hardly a greater metamorphosis. Every man, to be sure, has the most indefeasible right to accept such an office when it is tendered to him. It involves no such temerity as Sidney Smith attributed to a late premier; it is not like undertaking at five minutes' notice the command of the Channel fleet. "If he should fail, he fails;" and there is pretty nearly an end of it. Still, there are congruities in things; and we confess that when we heard of Alfred Tennyson, as poet laureate, engaged in varnishing

the Iron Duke, we turned with no small interest to see what he would make of him. With not greater suspense should we have listened to some bluff annalist of the Peninsula singing "Airy, fairy Lilian" to a lute strung with a hamadryad's hair. And seldom have we been less satisfied with the new face of an old friend. Considering the greatness of the occasion, the exploits and character of the dead, the known powers of the panegyrist, and the universality of the national feeling whose chords he had to strike upon, we expected more than we have found. Mannerism there is in abundance, and favourite, well-recognised turns, to remind us that we are reading the author of *The Two Voices* and *The Lady of Shalot*. But for the harmony and vivid painting, the full musical cadences, the unexpected yet easy returns of metre and rhyme which have delighted us in his former poems, and wiled us (little as we applaud their general  $\eta\thetaos$ ) into chanting them with half-shut eyes; these things we greatly desire in his *Ode*. There is neither the energetic military tramp of "Sir Galahad," the gorgeous detail of the "Princess," nor the true tenderness and pathos of "In Memoriam." Place such a subject as here awaited Mr. Tennyson in the hands of Collins, and we should have had the abstractions, which he so well expressed in his *Ode to the Passions*, gather themselves up into the concrete, and start forth into greater life than our laureate has put into his military music and his booming cannon. Why, we would rather have written Southe's description of the funeral of Arvalan,—we are not sure that we would not rather have written the travestie on it in the *Rejected Addresses*,—than much of what Mr. Tennyson endeavours to convey to us as a great national lamentation.

That we may not seem over-severe, we will give our readers a few specimens. What would they have thought of such lines as the following, in the days when Mr. Tennyson sang to us in unlaureated freedom, and wearing only his own fanciful and graceful wreaths?

"Lead out the pageant; sad and slow,  
As fits an universal woe,  
Let the long long procession go,  
And let the sorrowing crowd about it grow,  
And let the mournful martial music blow,  
The last great Englishman is low."

Or,

"Guarding realms and kings from shame;  
With those deep voices our dead captain taught  
The tyrant, and asserts his claim  
In that dread sound to the great name

Which he has worn so pure of blame,  
In praise and in dispraise the same,  
A man of well-attemper'd frame.  
O civic muse, to such a name,  
To such a name for ages long,  
To such a name  
Preserve a broad approach of fame,  
And ever-ring<sup>g</sup> avenues of song."

If mere pertinacity in holding on upon the same rhyme were any proof of merit, then the laurel-wreath ought in all fairness to have descended upon the brows of Theodore Hook, who used to do it, and extempore too, to any amount.

Had Mr. Tennyson no more effective way of *intensifying* an idea than the following childish repetition? The Indian idol-carvers, to express the power of Siva the Destroyer, give him as many arms as they can crowd upon his shoulders. So too works the poet, and moreover repeats it twice during his Ode, as being fond of the device.

"With honour, honour, honour, honour to him,  
Eternal honour to his name."

We take this Ode, then, to be a modern instance of Horace's wise saw, that poets should long deliberate what subject their shoulders are equal to carry. A man, a thing, may be excellent within certain spheres and departments, and utterly fail in others. Writers are great, who either reconnoitre their territory and then cultivate it, or acquire new powers before they come abroad to manifest them. *Ne sutor ultra crepidam.* It is one thing to manufacture sandals for ideal characters or plated greaves for knights of the Round Table, and quite another to become shoemaker to her Majesty, and measure for the feet of the nineteenth century. The "Mort d'Arture" sounds far better at Avilion than at St. Paul's. Mr. Tennyson has been on many subjects a captivating poet, and may well afford to let his Funeral Ode be like the emerald ring of Polycrates, a tribute to the law under which even poets live: *Nihil est ab omni parte beatum.* As some of the grandest cathedrals of Europe are wanting in a spire, as the pyramid of Cheops terminates, not in an apex but in an incomplete platform; so the laureate who has done so many things so well, has made one great attempt with slender success when he sounded for us the dirge of the Duke of Wellington.